

AGENDA

CITY OF WHITEWATER

PLAN AND ARCHITECTURAL REVIEW COMMISSION

Whitewater Municipal Building
Community Room
312 W. Whitewater Street
Whitewater, WI 53190
September 13, 2010
6:00 p.m.

***Amended Agenda as of 1:15 p.m., September 2, 2010, items #6 and #7 have been removed from the agenda per the applicant.**

1. Call to order and roll call.
2. **Hearing of Citizen Comments.** No formal Plan Commission action will be taken during this meeting ON CITIZEN COMMENTS although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.
3. Reports:
 - a. Report from CDA Representative.
 - b. Report from Urban Forestry Commission Representative.
 - c. Report from Park and Recreation Board Representative.
 - d. Report from City Council Representative.
 - e. Report from Tech Park Board Representative.
 - f. Report from the Downtown Whitewater Inc. Board Representative.
 - g. Report from staff.
 - h. Report from chair.
4. Approval of the minutes of July 12, 2010, August 2, 2010 and August 9, 2010.
5. Hold a public hearing for the consideration of a conditional use permit for the expansion of the Jessica's Restaurant (140 W. Main Street) into the building located at 138 W. Main Street with the addition of four upper residential units and one first floor handicap accessible (ADA) unit and review of the exterior alterations of the buildings for Urim Shabani.
- *6. Hold a public hearing for consideration of a change in of the District Zoning Map to rezone from R-3 (Multi-family Residence) Zoning District to PCD (Planned Community Development) Zoning District, under Chapter 19.39 of the Zoning Ordinance of

the City of Whitewater and for consideration of a GDP (General Development Plan) and SIP (Specific Implementation Plan) for the proposed student apartment development for United Catalyst Whitewater 1, LLC., with the rezoning, GDP, and SIP all associated with the following parcels, located along N. Prince Street and W. Florence Street are requested to change to PCD for the development of student apartments: Tax Parcel Numbers /WUP 00178C, /WUP 00178, /WUP 00178A, /WUP 00178B, City of Whitewater, Walworth County, Wisconsin. **This item has been removed from the agenda per the applicant.**

*7. Review the proposed one lot Certified Survey Map associated with the development of student apartments on the northwest corner of N. Prince Street and W. Florence Street for United Catalyst Whitewater 1, LLC. **This item has been removed from the agenda per the applicant.**

8. Review the proposed Transparency Ordinance and provide feedback to the City Council.

9. Information:

a. Possible future agenda items.

b. Next regular Plan Commission meeting- October 11, 2010.

10. Adjourn.

Anyone requiring special arrangements is asked to call the Zoning and Planning Office 72 hours prior to the meeting. Those wishing to weigh in on any of the above-mentioned agenda items but unable to attend the meeting are asked to send their comments to c/o Zoning Administrator, 312 W. Whitewater Street, Whitewater, WI, 53190 or jwegner@ci.whitewater.wi.us.

The City of Whitewater website is: ci.whitewater.wi.us

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
COMMENTS
September 13, 2010

NOTE: The Plan Commission meeting will start at 6:00 p.m.

As you all know the agenda has been amended. Items number 6 and 7 have been removed from the agenda per the applicants' request. They are doing some additional changes, of which I do not know, but we will let you all know once we know.

5. **Hold a public hearing for the consideration of a conditional use permit for the expansion of the Jessica's Restaurant (140 W. Main Street) into the building located at 138 W. Main Street with the addition of four upper residential units and one first floor handicap accessible (ADA) unit and review of the exterior alterations of the buildings for Urim Shabani.** 138 W. Main Street is currently used as the wall climbers, (and for some of you old- timers, the old movie theater). This larger area will be able to be developed into larger banquet meeting areas and also apartments on the second floor. Part of the requirements that the State Building Department has is that unless they put an elevator in the building, they have to provide a first floor handicap accessible apartment. This first floor handicap accessible apartment will be located at the back of the building off the rear parking/driveway areas between this building and the Ketterhagen Motors service building. The proposal that is in front of you will also be reviewed for the exterior design and alterations of the front of the building. We have made comments back to Urim Shabani, and Pete Weston, the architect for the project. Recommendation is for approval subject to comments at the meeting.
- *6. **Hold a public hearing for consideration of a change in of the District Zoning Map to rezone from R-3 (Multi-family Residence) Zoning District to PCD (Planned Community Development) Zoning District, under Chapter 19.39 of the Zoning Ordinance of the City of Whitewater and for consideration of a GDP (General Development Plan) and SIP (Specific Implementation Plan) for the proposed student apartment development for United Catalyst Whitewater 1, LLC., with the rezoning, GDP, and SIP all associated with the following parcels, located along N. Prince Street and W. Florence Street are requested to change to PCD for the development of student apartments: Tax Parcel Numbers /WUP 00178C, /WUP 00178, /WUP 00178A, /WUP 00178B, City of Whitewater, Walworth County, Wisconsin.** This item has been removed from the agenda per the applicant.
- *7. **Review the proposed one lot Certified Survey Map associated with the development of student apartments on the northwest corner of N. Prince Street and W. Florence Street for United Catalyst Whitewater 1, LLC.** This item has been removed from the agenda per the applicant.
8. **Review the proposed Transparency Ordinance and provide feedback to the City Council.** I believe City Attorney Wally McDonell will be discussing this in more detail at the meeting.
9. **Information:**
 - a. **Possible future agenda items.**
 - b. **Next regular Plan Commission meeting- October 11, 2010.**

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
July 12, 2010

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Chairperson Torres called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

PRESENT: Binnie, Dalee, Torres, Coburn, Miller, Stone, Meyer (Alternate). ABSENT: Zaballos. OTHERS: Wallace McDonell/City Attorney, Mark Roffers/City Planner, Bruce Parker/Zoning Administrator, Wegner/Secretary.

HEARING OF CITIZEN COMMENTS. This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no citizen comments.

REPORTS:

a. Report from Community Development Authority Representative. Representative Tom Miller reported that the CDA had a discussion on the TIF 4 as to whether to extend it or not, pros and cons. They needed more information so no action was taken. At the Tech Park, the footings of the Innovation Center are in. They had a little difficulty due to the limestone.

b. Report from Urban Forestry Commission Representative. Representative Tom Miller reported that there was no meeting.

c. Report from Park and Recreation Board Representative. Representative David Stone reported that there was a donation of land from Jean Trost to be used as a nature preserve. They also has a presentation on baseball field use.

d. Report from City Council Representative. Council Representative Lynn Binnie reported that the request disbanding the Urban Forestry Committee was withdrawn.

e. Report from Tech Board Representative. Representative Rod Dalee reported that there has been no meeting.

f. Report from the Downtown Whitewater Inc. Board Representative. No report.

g. Report from staff. No report.

h. Report from chair. No report.

MINUTES. Moved by Miller and Coburn to approve the Plan Commission minutes of the June 14, 2010 meeting. Motion approved by unanimous voice vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A “CLASS B” BEER AND LIQUOR LICENSE FOR CIRCLE INN LLC. (PATRICK WELLNITZ, PRESIDENT), TO SERVE BEER AND LIQUOR BY THE BOTTLE OR GLASS AT 140 W. CENTER STREET (HAMMERS HOMETOWN TAP. Chairperson Torres opened the public hearing for consideration of a conditional use permit application for a “Class B” Beer and Liquor License for Circle Inn LLC. (Patrick Wellnitz, President), to serve beer and liquor by the bottle or glass at 140 W. Center Street (Hammers Hometown Tap).

Zoning Administrator Bruce Parker explained that Patrick and Diane Wellnitz wish to acquire “Hammers Hometown Tap” from Barb Hamilton. A conditional use is required for them to serve beer and liquor by the bottle or glass. The first floor of the building is the bar area. The basement will be used for storage. There are no plans for outdoor seating. If they would choose to expand with a sidewalk café, it would come back at a later date.

Chairperson Torres closed the public hearing.

Moved by Miller and Stone to approve the conditional use permit for a “Class B” Beer and Liquor License for Circle Inn LLC. (Patrick Wellnitz, President), to serve beer and liquor by the bottle or glass at 140 W. Center Street. The conditional use shall run with the owner of the business and not with the land. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR CONSIDERATION OF A CONDITIONAL USE PERMIT FOR A CLASS “B” BEER LICENSE FOR ROARING FORK LLC., TO SERVE BEER BY THE BOTTLE OR GLASS AT 1114 W. MAIN STREET (QDOBA MEXICAN GRILL). Chairperson Torres opened the public hearing for consideration of a conditional use permit application for a Class “B” Beer License for Roaring Fork LLC., to serve beer by the bottle or glass at 1114 W. Main Street (Qdoba Mexican Grill).

Zoning Administrator Bruce Parker explained that Plan Commission was to review the exterior alterations and the conditional use to allow beer to be sold by the bottle or glass at 1114 W. Main Street (Qdoba Mexican Grill) including the outdoor patio area.

Ben McCready, a resident of Whitewater, stated that he loved the Qdoba in Madison. They serve beer. It is a normal part of the Qdoba menu.

Sue Messer, resident of Whitewater, asked if there was a limit to the number of alcohol licenses.

City Attorney McDonell explained that for beer only, there is no limit. City Council grants the license. Plan Commission determines if it is zoned for the serving of alcohol. McDonell also explained that if there is a problem, there could be grounds for revocation of the license.

Zoning Administrator Bruce Parker explained that the hours of operation include 24 hour food service on Thursdays, Fridays, and Saturdays. Beer sales would follow City and State regulations.

The City Planners recommended approval of the conditional use permit for the sale of beer or liquor by the bottle or glass for the Qdoba restaurant at 1114 W. Main Street, subject to the following conditions as amended at the meeting:

1. The outdoor patio shall be operated in accordance with the following standards:

- a. The outdoor patio shall be maintained in a neat and orderly manner at all times. Debris and all alcohol containers shall be removed from the patio and surrounding areas as necessary during the day and again at the close of each business day.
- b. Alcohol may be served on the outdoor patio only under the following conditions:
 - i. Alcohol is served by the licensee or the licensee's employees in compliance with alcohol beverage laws, ordinances, and regulations.
 - ii. Alcohol is sold and served by the licensee or licensee's employees and sold or served only to patrons that will be seated at tables in the outdoor patio.
 - iii. The business owner does not allow patrons of the outdoor patio to bring alcohol into the outdoor patio from another off-premise location, nor to carry containers of alcohol served in the outdoor patio to areas outside of the outdoor patio area (except into the building).
 - iv. The area from which the alcohol is dispensed shall be located indoors. No service bar, or any other or drink preparation, storage area, refrigeration apparatus, is located on the outdoor patio.
 - v. No alcohol is served or consumed on the patio after 12 a.m. or before 10 a.m.
 - vi. All tables located in the outdoor dining area shall be match one another and have compatible chairs/stools. All tables and chairs/stools shall be durable and weather resistant, and shall not advertise the business or any product, whether such product is available at the business or not. Umbrellas and other decorative material shall be made of treated wood, canvas, cloth, or similar material that is manufactured to be fire resistant.
2. Alcohol may be served inside the restaurant up until the restaurant closes in the evening, or until bar time, whichever is earlier.
3. The property shall comply at all times with the City's noise ordinance, and may be inspected by the City at any time to ensure such compliance.
4. The conditional use permit for the sale of beer by the bottle or glass shall run with the business owner (Roaring Fork, LLC) and not the land.

Chairperson Torres closed the public hearing.

Moved by Binnie and Coburn to approve the conditional use permit for a Class "B" Beer License for Roaring Fork LLC., to serve beer by the bottle or glass at 1114 W. Main Street (Qdoba Mexican Grill) subject to the conditions of the City Planners as amended at the meeting. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CONDITIONAL USE PERMIT FOR A HOME OCCUPATION (TO OPERATE A BAKERY OUT OF THEIR HOME) AT 409 E. CRAVATH STREET FOR JAMES MCKENZIE. Chairperson Torres opened the public hearing for consideration of a conditional use permit application for a home occupation (to operate a bakery out of their home) at 409 E. Cravath Street for James McKenzie.

Zoning Administrator Bruce Parker explained that a conditional use permit is required for a home occupation. This proposed bakery would be located in a portion of the garage (addition) to the north end of the property. The driveway to the property is located on Wood Street.

Jim McKenzie explained that they wanted to lower the risk of a start up business to develop a product that there might be a demand for. If it grows to be profitable enough, they could move to a commercial business site.

The City Planners recommended approval of the conditional use permit to operate a home occupation out of the property at 409 E. Cravath Street for James McKenzie, subject to the following conditions:

1. The applicant shall make all improvements to the existing garage and operate the home occupation in accordance with the conditional use permit application submitted 5/17/10, including the Site Plan Elevation Drawing (south side), Elevation Drawing (east side), Elevation Drawing (north side), Floor Plan, and Utilities Plan.
2. The home occupation shall be operated at all times in full accordance with home occupation standards in the City's zoning ordinance.
3. The new siding on the garage shall be similar in color, materials, and lap width to the existing siding on the garage.
4. The conditional use permit for the home occupation shall run with the property owner and not the land.

Jim McKenzie stated that he agreed with the City Planner conditions. There will be red siding on the entire garage. There will be a wall with a door separating the garage area from the addition. The bakery facility will be inspected by the Health Inspector. They plan to make German and Artisan style breads.

Plan Commission Member Meyer was concerned with types and times of deliveries. Meyer would rather see this type of business in the downtown area. He suggested that Plan Commission look at where businesses are filtering, especially when it is out into neighborhoods.

Terry Schramm, resident, stated the home bakery was a good idea. It is good to encourage business; give it a chance.

Mary Ann Scott, neighboring property owner at the corner of Wood and Cravath Streets, approved of the operation. It is a great place to have a start up business. A small truck coming into this area probably would not be noticed. A business needs a place to start.

Jim McKenzie explained that they planned to bake one to two days per week, and expected their deliveries to toward the end of the week. They are looking at actual sales on a two times per week basis, for example delivering to a church or a summer camp once a week. They plan to do low variety, but high volume.

Chairperson Torres closed the public hearing.

Jim McKenzie said they would be doing mostly breakfast type baking: bagels, cinnamon rolls, scones, granola, artisan breads. They would hire one person at most. If there is an odor from the exhaust fans, they will remedy the situation.

Moved by Miller and Binnie to approve the conditional use permit for a home occupation (bakery) at 409 E. Cravath Street for James McKenzie subject to the conditions of the City Planners. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR A CHANGE OF THE DISTRICT ZONING MAP FOR THE FOLLOWING AREA TO ENACT AN ORDINANCE TO IMPOSE THE R-O NON-FAMILY RESIDENTIAL OVERLAY DISTRICT ZONING CLASSIFICATION UNDER CHAPTER 19.25 OF THE ZONING ORDINANCE OF THE CITY OF WHITEWATER: FOR THE R-1 ZONED PROPERTIES IN THE AREA OF N. ESTERLY AVENUE, N. FRANKLIN STREET, N. PARK STREET, AND W. STARIN ROAD. Chairperson Torres opened the public hearing for consideration of a change of the District Zoning Map for the following area to enact an ordinance to impose the R-O Non-Family Residential Overlay District Zoning Classification under Chapter 19.25 of the Zoning Ordinance of the City of Whitewater: for the R-1 Zoned properties in the area of N. Esterly Avenue, N. Franklin Street, N. Park Street, and W. Starin Road.

As part of the record, Chairperson Torres read the letter from Councilperson Jim Winship, who requested the overlay zoning. Winship's letter explained what the overlay zoning district is, how it came about, and asked for the Plan Commission's consideration.

City Planner Mark Roffers explained that the overlay district is new. It is an addition to the base standards. The proposed area is in an R-1 (Single Family Residential) Zoning District. The area is primarily single family homes with other related uses. If it were approved, it would be an additional set of standards which would limit a non-family household to two unrelated persons. The process starts with the applicant requesting the overlay zoning; Plan Commission reviews it and makes recommendation to the City Council. The City Council makes the decision. In the Comprehensive Plan, this neighborhood is rated highly to preserve it in single family. 98% of the housing units are single family units. There are three duplexes on Park Street. 92 % of the homes are single family occupied.

Mitch Simon, citizen of the area, did not have an issue for himself, but he felt there could be a problem if one person can apply for an overlay zoning of 123 residences, it would set a dangerous precedence. It violates the American way of doing things.

Kelly and Mike Kissel, owners of the property at 237 N. Park Street, were against the overlay zoning. They bought the property so their children would have a place to stay while they went to the University, and to make some money on their investment. The overlay zoning restricting the number of persons allowed to live in a home will affect the marketability of the home. People will be less interested in purchasing property with this restriction.

Jim Leaver, 180 N. Esterly Avenue, explained that there was a misconception. Homes that are currently rented to three unrelated persons will be able to continue to rent to three unrelated persons.

City Attorney McDonell explained that renting to three unrelated becomes a non-conforming use. This use would be able to continue. The property owner would need to register the property within 90 days after the overlay zoning is adopted. If a non-conforming use is terminated for 12 months, the property would then have to conform to the current regulations.

Applications for this R-O Overlay Zoning can be applied for by a Council member, the Council as a whole, or the Plan Commission as a whole. Jim Winship clearly applied for the R-O Overlay Zoning for this property as a Council member.

Ben McCready, resident of Whitewater for 20 years, explains that he has seen a lot of rentals all with good intentions, but they do not always turn out that way. More families are buying homes to rent to students.

Nubby Paynter, 143 N. Franklin Street, has lived there since 1970 and wants to preserve their predominantly family neighborhood.

Jesse Dugan, 254 N. Park Street, stated that this overlay zoning is in line with the City of Whitewater Comprehensive Plan. This is very important to a lot of people and young families.

Peggy Wenzel, resident of the area, wants to use the tool to keep the nicest neighborhood in town.

Jerry Collins, N. Esterly Avenue, stated that he lives on the nicest street in town. He raised his family there. He would like to keep the character of the neighborhood family oriented. Older people also like small children around.

Brian and Kathy Remus, owners of 613 W. Starin Road, are opposed to the change. Their daughter graduated last May. They did not understand the zoning at the time they bought the property. The property has had no cash flow and has been a lot of hassle. They do intend to sell the property.

Jeff Eppers, 623 W. Starin Road, stated that he had talked to the wife and daughter when they moved into 613 W. Starin Road and was told that they needed to put more in to make ends meet. Eppers felt that people who cheat make it unfair to those who follow the rules.

Rick Hintz, 221 N. Fremont Street, spoke in support of the overlay zoning. He has lived there for 15 years. He would be in favor of the overlay zoning for Fremont Street also in an effort to stop the progression of more and more rentals. He can see his neighborhood changing.

James Hartwick, 178 N. Franklin Street, President of the Neighborhood Association, stated that he has had a lot of emails in support of this overlay zoning. They want to protect the neighborhood. He asked for the Plan Commission's support for the overlay zoning. Chairperson Torres closed the public hearing.

The Board members commented. Dalee stated that he lives in the area and wants to preserve it; Coburn felt this is a strong commitment for the community and she would be voting for the overlay zoning; Stone explained that with all the requests from the residents of the neighborhood for this overlay zoning that he would be voting for the overlay zoning. Stone also felt that it is important for the Plan Commission to look at other places in the community for landlords to expand their business. Chairperson Torres sympathizes with the property owners. He cannot support more regulations. He has concerns with the process to keep rentals and feels that it tells people not to risk renting in Whitewater.

City Planner Mark Roffers noted that references to Fremont Street in his report should be Franklin Street.

The City Planners recommendation is as follows: Their analysis suggested that the Historic Starin Park Neighborhood is a very appropriate place to target for proactive neighborhood preservation strategies focused on maintaining single-family, owner-occupied character. Application of the R-O overlay zoning to this area of the City would be consistent with the

recommendations and policies outlined in the Comprehensive Plan overall and for this neighborhood. They therefore recommended that the Plan Commission recommend Common Council approval of the request to apply the R-O Non-Family Household Overlay Zoning to all 123 properties (166 tax parcels) included in the petition and located along N. Esterly Avenue, N. Franklin Street, N. Park Street, and W. Starin Road.

Moved by Binnie and Meyer to recommend to the City Council to adopt the change in the District Zoning Map to impose the R-O Non-Family Residential Overlay District Zoning classification for the R-1 zoned properties in the area of N. Esterly Avenue, N. Franklin Street, N. Park Street and W. Starin Road; and the Plan Commission finds the R-O Non-Family Residential Zoning Overlay District for this area to be in compliance with the City of Whitewater Comprehensive Plan. Motion approved with all ayes except Torres voted no.

PUBLIC HEARING FOR THE CONSIDERATION OF A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF THE PROPOSED BUILDING ADDITION AT 1362 W. MAIN STREET FOR WALMART. Chairperson Torres opened the public hearing for consideration of a conditional use permit for the construction of the proposed building addition at 1362 W. Main Street for Walmart.

Zoning Administrator Bruce Parker explained that the City has been working with Walmart and making recommendations. Walmart has made changes to the entrances on Main Street, front elevations changed and improved. The stop and go lights will not be installed immediately. The City Engineer, Strand and Associates, have reviewed the plans for storm water. The Fire Department has reviewed the plans for fire access. They would like to see a fire access lane to the east side of the building.

City Planner Mark Roffers explained that they had received revised plans. There were still a number of minor issues, but the main issue is the fire access to the building. Roffers recommended postponing or making approval subject to conditions.

Debby Tomczyk, the attorney for Walmart, explained the situation. They met with city staff on March 18th; April 21st, they met with city residents with about 70 people attending. At this meeting they wanted to focus on the open items. The challenge is the timing. They want to be up and running by October 2011 with a pre-holiday opening. It will take 12 months of construction, needing an October 2010 construction start. It will take approximately three months of design and internal approval process. They are balancing a tight site. The fire access to the east side of the building is a challenge. There is fire access to the west side of the building and an access behind the building has been added. The building is fully sprinklered. They can prohibit snow storage and not let the trucks park on the west side of the building. The truck docks are in back of the building. A fire access on the east side would take away from the 20 % required landscaping. They are re-inventing and rejuvenating the site. They have improved the stormwater with a pond on the east side of the building. The traffic impact is also incorporated on the plan. The traffic signal on the east entrance is proposed for future installation. There is a good chunk of green space at the back of the building. They feel they have met the standards for the conditional use permit with the landscaping at 20% and that the 28,000 sq. ft. addition to the building is appropriate. The whole design team was present at the meeting. They wanted to hear from everyone and get their comments.

Denay Trykowski, who lives south of Walmart, had some concern about the landscaping and was hoping they were going to preserve the old oak tree near Main Street.

Don Gregoire, Fire Chief, stated that he wanted a 20 foot access driveway on the east side of the Walmart building in order to give them 360 access. New buildings are required have this access. It is a life safety issue which is most important. The 1.7% loss of green space is not as important. The Fire Department wants a hard surface access with a hydrant to be able to take care of Walmart and Sentry Customers and Staff, and the Fire Department.

Plan Commission Member Binnie stated that he was struggling with finding something unique about this site that the criteria for where you have to have the 360 degree coverage. According to NFPA, it is only in the circumstance of expectation of impairment of that primary road that it is necessary.

Fire Chief Don Gregoire explained that the size of the building with the addition (300 ft.), an aerial truck at each end of the building would not cover the area. State Code requires a 20 foot wide easement, hard surfaced road and 13.6 feet in height with no obstruction.

City Planner Mark Roffers explained that there is a degree of discretion by the Fire Chief to make a decision based on the standard. This creates a couple of issues with green space, and storm water and storm quality. There is potential opportunity to have 270 degree access with a possibility of a connection to the Sentry parking lot with a connection to Yoder Lane to the back of the Sentry building.

City Manager Kevin Brunner explained that the potential alternative needs to be explored. As a City Manager, he hopes the project is approved. It is good to be developing the existing site, but Brunner is disappointed that the Walmart site is not being expanded. He is concerned about the life safety issue. The City needs to take direction from its Fire Department. Expanding the Walmart building will make it one of the larger building in Whitewater. Brunner is also concerned that the green space keeps being reduced which sets a dangerous precedence. Standards are established for a reason. Brunner felt that Walmart should still attempt to expand the site.

Kerry Hardin, Civil Engineer for Walmart, stated that they would coordinate with the Fire Chief. They would put hydrants wherever the Fire Department would require. They would be able to accommodate the access to Sentry. They have contacted the car wash owner for the pedestrian access easement and have been successful.

Attorney Debby Tomczyk stated that they have had a number of discussions with the property owner to the north and west of the Walmart property and have not been productive in coming to a resolution.

Attorney Mitch Simon, representing DLK Properties who owns the land north and west of Walmart, explained that they are willing to work with Walmart with the land in back of the building in order to expand the site westerly (just the back piece behind the site). This would provide an alternate location for a detention basin and additional green space. It would also allow the drive requested by the Fire Department for 360 degree access to the building. Simon also stated that they are prepared to respond in short order.

When asked about the storm water run-off, Kerry Hardin stated that it would be released from the site at a discharge rate lower than the existing rate.

Jeff Knight, resident of the west side of Whitewater and a CDA member, felt that whenever inadequate landscaping plans were provided, they were trying to put too much on a postage stamp. Walmart is a large company. The question is "what is the hardship?", if they are not

providing safety and reducing the required landscaping. Safety is crucial. Integrating well with the community is very important. The City needs to set a standard for everyone so that everyone is following the same standard.

City Planner Roffers explained that it is clear that if Walmart is below 20% green space, they would need to demonstrate to the Board of Zoning Appeals that it is a hardship not created by them. Walmart will be going to the BZA for signage.

Attorney Debby Tomczyk stated that if the Plan Commission reduces the requirement of green space from 30% to 20 %, they would not be looking for more variance for green space. The addition of the 360 degree road way would create a hardship.

Plan Commission Member Binnie stated that the most important green space is what you can see from Main Street. He also thought that the Plan Commission should give the professionals more time to work on the issues, possibly a couple more weeks. Binnie also suggested that it is not appropriate for the Plan Commission to sign off on the traffic signals at \$42,500. Once Walmart installs a grocery store, traffic will increase toward Walmart. Plan Commission should not sign off on today's cost.

City Planner Mark Roffers explained that there will have to be a substantial agreement between City Staff that can be presented to the Plan Commission, an outline of the development agreement. Before getting a building permit, Walmart would need to successfully negotiate a developer agreement which will be a check and balance with public officials. There are two issues that are fundamental, the fire access and the possibility of adding additional property. Roffers did not feel it was appropriate for Plan Commission to offer approval at this meeting.

Walmart Attorney Debby Tomczyk asked if there would be potential for a special meeting and if it was possible to break up the approval so that they would at least know that they could put the addition on the building and be able to proceed with the project.

City Planner Roffers explained that some city's pull apart the conditional use permit with limitations. Whitewater has always done the approval as a whole. He would be more supportive of an additional meeting for added information and to address the fire issue. He would be available in three weeks, August 2, 2010.

Plan Commission Member Binnie stated that he had not heard anything of significant public objection to the idea of the Walmart expansion, and that this size of project warrants consideration of a special meeting. Binnie suggested that the Plan Commission postpone their decision.

Plan Commission Member Stone asked that the special meeting on August 2, 2010 be limited to just Walmart.

Moved by Binnie and Coburn to postpone the consideration of the conditional use permit for the construction of the proposed building addition at 1362 W. Main Street for Walmart to a special meeting to be held on August 2, 2010. The public hearing will be held open until that time for the staff of Walmart to attempt to reach an agreement on the issues. Motion approved by unanimous roll call vote.

**PUBLIC HEARING FOR A CHANGE OF THE ZONING ORDINANCE
REGULATIONS, TO ENACT PROPOSED AMENDMENTS TO THE CITY OF
WHITEWATER MUNICIPAL CODE TITLE 19, BY CREATING CHAPTER 19.485**

LARGE RETAIL AND COMMERCIAL SERVICE DEVELOPMENT STANDARDS.

Chairperson Torres opened the public hearing for consideration of a change of the Zoning Ordinance Regulations, to enact proposed amendments to the City of Whitewater Municipal Code Title 19, by creating Chapter 19.485 Large Retail and Commercial Service Development Standards.

City Planner Mark Roffers explained that this proposal is for retail and commercial buildings, requiring buildings of 20,000 sq. ft. or greater to have conditional use permit approval. The ordinance establishes application and study requirements and focus, and includes building and site standards. The ordinance has 4 general categories. One standard of concern is the standard of larger buildings, if vacated in the future, after 10 years the building would have to be removed.

Plan Commission Member Binnie voiced his concern of when a building is vacated, what might happen in the lending industry.

City Attorney McDonell polled 5 bankers. All of them were strongly opposed to requiring a tear down due to underwriting. The banks would not be able to lend more than a ten year loan.

Zoning Administrator Bruce Parker explained that buildings would be required to be inspected annually inside and out. After 5 years of vacancy, with the exception of fire, the large parking lot would be required to be removed and put back into grass.

Chairperson Torres closed the public hearing.

The City Planners recommended that the Plan Commission recommend City Council approval of the Large Retail and Commercial Service Development ordinance, as revised and amended at the meeting.

Moved by Binnie and Coburn to recommend to the City Council to approve the proposed amendments to the City of Whitewater Municipal Code Title 19, to create Chapter 19.485 Large Retail and Commercial Service Development Standards for approval.

Moved by Binnie and Torres to amend out the 10 year vacancy requirement. The amended motion was approved by unanimous roll call vote.

The original motion was approve with all ayes except Torres voted no.


INFORMATION:

A special Plan Commission meeting will be held on August 2, 2010 for the Walmart proposal.

The next regular Plan Commission meeting will be August 9, 2010.

Moved by Stone and Coburn to adjourn at approximately 9:50 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,


Jane Wegner
Secretary

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
August 2, 2010

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Chairperson Torres called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

PRESENT: Binnie, Dalee, Torres, Coburn, Miller, Stone, Meyer (Alternate). ABSENT: Zaballos. OTHERS: Wallace McDonell/City Attorney, Mark Roffers/City Planner, Bruce Parker/Zoning Administrator, Wegner/Secretary.

HEARING OF CITIZEN COMMENTS. This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no citizen comments.

The Plan Commission decided to take the Outdoor Café Permit Ordinance item first due to the number of people present for that item.

**CONSIDERATION AND RECOMMENDATION TO THE CITY COUNCIL
CONCERNING CHAPTER 5.18 OUTDOOR CAFÉ PERMIT ORDINANCE.**

City Attorney McDonell explained that this is an ordinance for outdoor private property café permits. Councilperson Olson has asked that an ordinance be drafted to allow a permit to have an outdoor café opportunity for private property similar to the sidewalk café ordinance on public property. This is important to the Plan Commission in that if a licensee requests a permit for an outdoor café, City Staff and City Council would handle the expansion of the alcohol license description. If the Outdoor Café Ordinance is approved, the owners of the business would not have to apply for an amendment to their conditional use permit. An outdoor café would not be a conditional use unless the applicant cannot meet all the conditions of if they want to expand their time past 10 p.m. Then a conditional use would be required. City Council had the first reading on the proposed ordinance and referred it to the Plan Commission. They plan to take action on it at next Tuesday's City Council meeting, August 3rd, with the Plan Commission's recommendation.

Zoning Administrator Bruce Parker added that all sidewalk cafes and outdoor cafes will shut down by 10 p.m. Those who want later hours will be required to apply for a conditional use permit to increase their hours of operation. If the City Council approves the ordinance, they will hold the public hearing and notices will be sent to the property owners and occupants within 300 feet.

City Attorney McDonell also stated that the City Council would have the discretion to require what is necessary to make it an appropriate use and if landscaping is appropriate.

Plan Commission Member Binnie explained that he had mixed feelings. This ordinance is different from sidewalk cafes in the outdoor cafés include a larger city area and larger pieces of properties. The ordinance puts a lot of responsibility on City Staff to handle all the detail.

Rick Hartmann, owner of Rick's East Side Pub, explained that everyone who has a "Class B" license are all on the same page. They all want to accommodate people due to the smoking ban. They should have the same rights as the downtown area.

City Planner Mark Roffers explained that an applicant for the cafes would need to provide a site plan, showing the size and number of tables, the style of chairs, a barrier (type, location, and height). If they are proposing landscaping, it should be listed on the plan submittal standards. They would need to be able to meet the standards.

Plan Commission Member Stone stated that the Police Chief should also be informed when an outdoor café is being considered.

Plan Commission Chairperson Torres was in favor of this recommendation because it seems to be fair, it is a simpler process, and it is similar to the sidewalk café ordinance.

Plan Commission Member Miller stated that this ordinance makes it fair for everyone. It levels the playing field. If someone wants to make a change, they can apply for a conditional use permit.

Moved by Miller and Meyers to recommend to the City Council to approve the ordinance with the suggestions of Plan Commission Member Stone (the Police Chief be informed when an outdoor café is being considered) and City Planner Roffers (applicants for the cafes would need to provide a site plan, showing the size and number of tables, the style of chairs, a barrier (type, location, and height). If they are proposing landscaping, it should be listed on the plan submittal standards. They would need to be able to meet the standards). It was also noted that if someone wanted something different than what the café ordinances required, they could apply for a conditional use permit. Motion approved by unanimous roll call vote.

City Attorney McDonell stated that in this process, the City Council makes the decision as to what is approved, whether it is the City Council request, as Plan Commission approved it or something different.

CONTINUATION OF THE PUBLIC HEARING FOR THE CONSIDERATION OF A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF THE PROPOSED BUILDING ADDITION AT 1362 W. MAIN STREET FOR WALMART. Chairperson Torres opened with the continuation of the public hearing for consideration of a conditional use permit for the construction of the proposed building addition at 1362 W. Main Street for Walmart.

Zoning Administrator Bruce Parker explained that Walmart has been through many different plans and has met with the Fire Chief and Assistant Fire Chief. Parker explained the two options. One of the options (Plan 2), fire hydrants and water main around the building were added. Also the driveway behind the building was extended to the east property line for fire access. The stormwater detention would be on the east side of the building. They were looking at adding 20 feet of grass pavers for heavy equipment to drive along the east side of the building. The other option (Plan 1) added a 1.93 easement on the northeast corner of the site for stormwater detention and overflow and green space. This option also allowed for parking and access completely around the building.

The stormwater is still being worked on and is expected to be resolved. The property owner of the adjacent car wash has agreed to allow for a pedestrian walkway along the east side of their

property as long as it will not count against the car wash green space. City Manager Brunner and City Attorney McDonell will be working on the developer agreement between Walmart and the City, which will include future traffic lights etc. Walmart has also applied for a variance through the City of Whitewater Board of Zoning Appeals to allow for larger wall signs (the current maximum wall sign is 50 sq. ft.

Debby Tomczyk, the Attorney for Walmart, stated that they were focusing on the differences and what remains open. They want to stay on track to be able to be up and running in October 2011. There is a need for urgency. Plan 1 has full fire access, full landscaping and stormwater management which would drain into a pond. They are proposing a 1.93 acre easement with DLK. The land needs soil tests for environmental issues. Because of the time frame, Plan 2 is their second choice. Tomczyk explained that there are timing and cost issues. They have 20 per cent green space; they have lost parking; added back additional green space by Main Street; and they have added hydrants. They will be going with Plan 1 unless they cannot meet requirements. They will be leasing the portion of land behind their property until they ultimately purchase the extra land.

Attorney Mitch Simon explained that the easement of the 1.93 acres would be a separate outlot with its own tax parcel number, if conveyed it would be owned by an adjacent property owner. An easement gives a legal title, but no right to use it. A transfer of ownership of the 1.93 acres would be an acceptable alternative. Plan 1 is do able. Everyone is pulling in the same direction. They prefer Plan 1.

Don Gregoire, Fire Department Chief, stated that the Fire Department prefers Plan 1 with the 1.93 acre easement. The other plan would work if Plan 1 does not.

City Planner Mark Roffers explained that Plan 2 does not affect the Sentry property. Worst case scenario, best access to Walmart. The 20 foot strip to the east of the Walmart building would handle emergency vehicles in an emergency. The Development Agreement would provide for 360 degree access by contract. These three items give a failsafe to alternative #2.

Chairperson Torres closed the public hearing.

City Planner Mark Roffers recommended approval to proceed with either plan, with the discretion to work it out.

Karie Hardin, Walmart Engineer, explained that the cart corrals are a galvanized silver metal type. She explained #9 of the comments, that the cross access easement with Hawk Bowl, would serve as an alternate if Hawk Bowl closed their eastern driveway.

Attorney Simon explained that they would like to have the cross access easement line up across from the hotel access, where the cross access would be appropriate. They do not want to create an uncertainty of future use. If and when Hawk Bowl does redevelop, the cross access easement and traffic control are to be installed 100 to 150 feet to the west to line up with the hotel (Amerihost) driveway.

The City Planner Mark Roffers and Megan MacGlashan recommended the Plan Commission approve the conditional use permit for the construction of the proposed building addition at 1362 W. Main Street for Walmart subject to the following conditions as amended at the meeting.

- 1) The project shall be constructed in accordance with either one of the two Site, Paving, and Striping Plans (sheet C1.0) dated 7/28/10; Grading and Drainage Plan (sheet C4.0) dated 7/8/10; Landscape

Plan (sheet L6.0) dated 7/8/10; Utility Plan (sheet C5.0) dated 6/28/10; Natural Features Inventory Map (sheet NF1.0) dated 6/28/10; Photometric Plan (sheet C8.1) dated 6/28/10; Roof Plan (sheet A4) dated 7/13/10; Stormwater Management Reports dated 7/27/10; Signage (sheet A2.2) dated 6/28/10; Site Plan Amenities (SP1) dated 7/7/10; Site Details (sheet SP2) dated 7/7/10; Site Details (sheet SP2.1) dated 6/28/10; Elevations and Site Photos dated 7/7/10; the LED lighting cut sheets submitted 6/28/10; LED Site Lighting Performance Specifications submitted 6/28/10; Lighting Cut Sheets submitted 6/28/10; the Ribbon Rack Cut Sheet submitted 7/9/10; Sconce Lighting details submitted 7/9/10; Cart Corral Details submitted 7/9/10; Custom Mechanical Equipment Screening Details submitted 7/9/10; except as changes to those plans are required to meet the conditions that follow and Walmart's selected site plan alternative.

- 2) If the first alternative (continuation of east-west rear fire drive, no additional easement acquired) is ultimately selected, per the Site, Paving, and Striping Plan dated 7/28/10, the applicant shall be allowed to reduce the required amount of landscaped surface area on the lot from 30 percent down to no less than 20 percent, provided that the approved landscape plan is fully implemented and the 20-foot wide strip directly east of the building shall be surfaced in such a way to both meet green space requirements and handle emergency vehicles in an emergency situation.
- 3) If the second alternative (acquisition of easement and 360 degree fire lane) is selected, per the Site, Paving, and Striping Plan dated 7/28/10, the acquired easement shall count toward meeting the applicant's 30 percent landscaped surface area requirement, provided the following restrictions are recorded in conjunction with the easement and provided to City staff:
 - a) This easement area must be restricted for permanent open space use in perpetuity (i.e., no buildings or impervious surfaces shall be erected within the easement area).
 - b) The easement shall run with the Walmart property regardless of future ownership.
 - c) The easement area shall be restricted against counting towards the minimum landscaped surface area requirement for any other current or future development site aside from the Walmart property.

Transfer of ownership of the indicated easement areas shall be an acceptable alternative without amending the conditional use permit.

- 4) Prior to the issuance of a building permit, the applicant shall prepare/revise and resubmit the following plans for City staff approval:
 - a) Revised roof plan to clearly indicate the locations of any existing and proposed skylights, and as necessary to confirm to the satisfaction of the City Planner that all rooftop mechanical equipment shall be fully screened so that it is not visible from adjacent properties or and public street.
 - b) Revised site and related plans to indicate that the planter located on the west side of the main building entrance will positioned in a manner that allows people to walk along the walkway to the south of the planter (i.e., shift the location of the planter closer to the building) and all pedestrian crosswalks will be a different material and color from the parking lot pavement.
 - c) Revised photometric plan to explicitly indicate that all lighting fixtures will be mounted at a 90 degree angle to the light pole and to indicate that lighting levels shall not exceed 2.0 foot-candles at any property line. Indicate the color of all light poles, selecting a color that is compatible with the building color and other hardscape features on the property.
 - d) Revised versions of relevant plans to clearly indicate any and all locations designated for permanent or seasonal outdoor display, including vending machines, propane tanks, or seasonal sales lots. (If not indicated, will not be allowed without subsequent Plan Commission approval, except for propane tank storage areas, which may be allowed with City staff approval.)
 - e) Revised versions of all relevant plans to reposition the bike rack located west of the main building to a location underneath the building canopy.
 - f) Clearly indicate through a detail sheet the number of bicycle spaces located in each proposed bike rack and the color of the bicycle racks, with the color compatible with the building and other hardscape features on the property.

- g) Revised versions of all relevant plans to show the new location and dimensions of the pylon sign (within the landscaping peninsula located along the eastern entrance driveway), along with all directional signs.
 - h) Revised cart corral detail sheet. Cart corrals shall be specifically designed for this project and shall be compatible with the building and with other hardscape features on the property.
 - i) Detailed plans for the retaining wall proposed for the north property line (and east of the building if the first site plan alternative is selected) and for the dumpster enclosure. The design, colors, and materials used on such features shall be compatible with the design, colors, and materials of other related site features.
 - j) Revised stormwater management, grading, and engineering plans to address the City engineering consultant's comments.
- 5) Prior to the issuance of a building permit, the applicant shall revise and resubmit the landscaping plan for City staff approval to address the following issues:
- a) Adjust the landscaping proposed for the east side of the building based upon the final site plan alternative selected. Landscaping should, to the extent practical, be consistent with the landscaping proposed on the landscaping plan dated 7/8/10, also taking into consideration fire access.
 - b) Reconfigure landscaping to the front yard between Main Street and the southern edge of the parking lot, consistent with the other landscaping proposed for this area of the site, and add landscaping here if removed from the area east of the building for fire access purposes.
 - c) Replace all Autumn Blaze Maples and Dwarf Bush Honeysuckles with other appropriate species, consistent with the City's Landscaping Guidelines.
 - d) Revise the landscaping legend to reconcile all differences between the legend and what is indicated on the landscaping plan drawing.
 - e) Expand the length of the planter located on the east side of the main building entrance to accommodate a minimum of 4 trees. Each tree shall be a minimum 4" caliber at the time of installation.
 - f) Clearly indicate the location of all "gravel mulch maintenance strips" indicated in the legend.
- 6) Prior to the issuance of a building permit, the applicant shall submit a signed agreement with the owner of the car wash to locate the proposed walkway from Main Street to the front of the building in the eastern location shown on the site, paving, and striping plans dated 7/28/10, or shall submit and have approved by City staff an alternate location for that walkway.
- 7) Prior to the issuance of a building permit, the applicant shall work with the City staff to prepare and execute a development agreement addressing the following and have that agreement approved by the City Council:
- a) Outline an approach for resolving all outstanding traffic issues, as described in both the traffic impact analysis and the recommendations of the City's engineering consultant. At minimum, the agreement shall establish who determines when the signal will be installed and how the installation of the signal will be paid for.
 - b) If the first alternative site plan (continuation of east-west fire drive, no additional easement acquired) is ultimately chosen, specify Walmart's obligations if full east-west access across both the Walmart and Sentry driveway is ever closed off in the future.
 - c) Include other fire safety provisions, such as provision of additional hydrants and maintenance of a 20 foot paved clear zone at all times around the building.
 - d) Include provisions for a community business sign/community wall.
 - e) Include provisions for cross-access for lands to the west of the Walmart property when such lands redevelop in the future.
- 8) Prior to the issuance of a building permit, the applicant shall apply for and be granted a variance

allowing the size and number of wall signs to exceed the City's ordinance standards. In no way shall the issuance of this conditional use permit or this condition of approval compel the Board of Zoning Appeals to issue such a variance.

Moved by Binnie and Miller to approve the conditional use permit for the proposed building addition at 1362 W. Main Street for Walmart with the City Planner recommendations as revised. Motion approved by unanimous roll call vote.

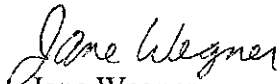
INFORMATION:

Zoning Administrator Bruce Parker explained that the name change from "Circle Inn LLC." to "Fire Station 1 LLC." for the business located at 140 W. Center Street would be changed administratively. The proposed new owner was unable to use the "Circle Inn LLC." name.

The next regular Plan Commission meeting will be August 9, 2010.

Moved by Binnie and Stone to adjourn at approximately 7:20 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,


Jane Wegner
Secretary

CITY OF WHITEWATER
PLAN AND ARCHITECTURAL REVIEW COMMISSION
Whitewater Municipal Building Community Room
August 9, 2010

**ABSTRACTS/SYNOPSIS OF THE ESSENTIAL ELEMENTS OF THE OFFICIAL
ACTIONS OF THE PLAN AND ARCHITECTURAL REVIEW COMMISSION**

Chairperson Torres called the meeting of the Plan and Architectural Review Commission to order at 6:00 p.m.

PRESENT: Binnie, Dalee, Torres, Coburn, Miller, Stone, Zaballos. ABSENT: none.
OTHERS: Wallace McDonell/City Attorney, Mark Roffers/City Planner, Wegner/Secretary.

HEARING OF CITIZEN COMMENTS. This is a time in the agenda where citizens can voice their concerns. They are given three minutes to talk. No formal Plan Commission Action will be taken during this meeting although issues raised may become a part of a future agenda. Items on the agenda may not be discussed at this time.

There were no citizen comments.

REPORTS:

a. Report from Community Development Authority Representative. Representative Tom Miller reported that the CDA voted to recommend to the City Council to extend TIF 4 another 10 years.

b. Report from Urban Forestry Commission Representative. No report.

c. Report from Park and Recreation Board Representative. Representative David Stone reported that there was a discussion of the annual water fowl hunting program; and review of the ball diamond possible improvements.

d. Report from City Council Representative. Council Representative Lynn Binnie reported that the Council passed the Outdoor Private Property Café Ordinance. Plan Commission will receive notice with considerations. The Large Commercial Buildings (Big Box) Ordinance was passed.

e. Report from Tech Board Representative. Representative Rod Dalee reported that there has been no meeting.

f. Report from the Downtown Whitewater Inc. Board Representative. Dave Saalsaa reported that the Landmark Hotel has completed their awnings and gutters. The Main Street Shops and the Day and Nite Café are almost complete. Saalsaa also announced that Downtown Whitewater was sponsoring Jack Hanna, Whitewater Gone Wild, at the High School on Sunday, August 29 at 6:00 p.m. Tickets are available at the various downtown businesses: Commercial Bank, First Citizen State Bank, GMA Printing, Home Lumber, and Quiet Hut Sports. This is a fundraiser for Downtown Whitewater. The proceeds will pay for bicycle racks and Christmas decorations for the downtown area.

g. Report from staff. No report.

h. Report from chair. No report.

MINUTES. Moved by Binnie and Coburn to table the Plan Commission minutes of the July 12, 2010 meeting to the next meeting. Motion approved by unanimous voice vote.

REVIEW AND MAKE RECOMMENDATION TO THE CITY COUNCIL FOR THE ACQUISITION OF LAND TO BE USED AS A NATURE PRESERVE OR PARK (THE RAY TROST NATURE PRESERVE). Matt Amundson, Park and Recreation Director, explained the land that the Trost Family is donating to the City is north and west of the City Garage Complex. It is being donated to be maintained as a nature preserve. The Park and Recreation Board has approved this and City Council has also approved. The Plan Commission is the last body to approve.

City Planner Mark Roffers stated that it is consistent with the City of Whitewater Comprehensive Plan and that it is an environmental corridor.

Plan Commission Member Stone stated that it is being given with some stipulations: it will be maintained as a nature preserve park and will not be sold by the City at any time; it will be named "The Ray Trost Nature Preserve"; the English Oak that is planted on this land is a tribute to Ray Trost, if it dies or is destroyed, the Trost family reserves the right to re-plant a tree to continue the tribute to Ray Trost; at least one acre of the property will remain wooded; the Trost family will be allowed to place a bench near the English oak tree and will take responsibility to maintain said bench; the Trost family will be allowed to place an earth stone with a commemorative plaque affixed to it as a memorial tribute to Ray Trost and will reserve the right to maintain the earth stone and plaque or replace it if damaged; the City of Whitewater will conduct a survey of the entire property at 363 N. Fremont Street at no cost to Jean Ann Trost. If there is a change to the area, it will come back to the Plan Commission.

City Attorney McDonell recommended the Plan Commission approve as the Council has approved subject to the Plan Commission's approval.

Moved by Binnie and Stone to approve the acquisition of the land donated by Jean Trost, find it consistent with the City Comprehensive Plan. We want to show our appreciation to Jean Trost. Motion approved by unanimous roll call vote.

REVIEW EXTERIOR ALTERATIONS TO THE BUILDING AT 132 W. MAIN STREET FOR CHARLES BENNETT PENWELL. City Planner Mark Roffers explained that there is aluminum siding on the top half of the building. The owner wants to add it to the bottom part of the building. At this time they are not using grants. This requires Plan Commission approval. He recommended approval subject to the condition that the window signs which are in non-compliance with the sign ordinance be brought into compliance of the maximum coverage of the window for signage is 1/3 of the window.

Plan Commission Members asked if the window trim would be another color; if the owner could repair the board on the side area of the building.

City Planner Mark Roffers stated that the siding would be similar in color to the top of the building.

Ben Penwell explained that they are putting siding (50 sq. ft.) on the building to make the front of the building uniform in look and they are also rebuilding the staircase at the back of the building to code and safety. The board at the side of the building is an access panel for the meters for the utilities.

Plan Commission Member Zaballos explained that this is the Plan Commission's chance to bring other items into compliance with the ordinances, such as bringing the window signage into conformance. When a property owner requests something from the Plan Commission, the Plan Commission can ask for compliance as a condition of the approval.

City Attorney McDonell stated that it would be a matter of enforcement. A warning letter could be sent for the window signage to be in compliance within a certain period of time. Technically the City can cite the landlord. Normally the letter would go to the tenant.

Ben Penwell stated that he would encourage the tenant to abide by the ordinances. His preference is that the City work with the tenant with any issues.

City Planner Mark Roffers explained that his recommendations did not require, but suggests that the signage be put into compliance with the ordinance. He recommended approval of the front and rear façade with the following four conditions as amended at the meeting.

1. The new siding shall match the existing siding on the top half of the front building façade in terms of color, material, and width.
2. If the applicant is granted funds from Downtown Whitewater to complete this project, he shall be required to seek approval from the Downtown Design Review Committee before beginning the exterior alterations.
3. The applicant shall bring all window signage into conformance with the City's sign ordinance (i.e. no more than 1/3 of the total window area shall be covered with signs).
4. The mechanical screening area to the east of the primary front façade shall be upgraded through replacement of screening materials and painting to a color compatible with the main building.

Moved by Zaballos and Coburn to approve the exterior alterations to the building at 132 W. Main Street for Charles Bennett Penwell. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR THE CREATION OF AN OUTDOOR CAFÉ TO BE LOCATED AT 204 W. MAIN STREET FOR ROBERT SWEET. This item was removed from the agenda due to the City Council adoption of the Outdoor Private Property Café Permit Ordinance.

PUBLIC HEARING FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT TO INCLUDE A "CLASS B" LIQUOR LICENSE (TO BE TRANSFERRED FROM "THE SWEETSPOT" TO JOHN CORDIO) TO SERVE BEER AND LIQUOR AT 617 E. MILWAUKEE STREET (BEER HERE) AND FOR CREATION OF AN OUTDOOR CAFÉ. The outdoor café portion of this item was removed from the agenda due to the City Council adoption of the Outdoor Private Property Café Permit Ordinance. Chairperson Torres opened the public hearing for consideration of a proposed amendment to the conditional use permit to include a "Class B" liquor License (to be transferred from "The Sweetspot" to John Cordio) to serve beer and liquor at 617 E. Milwaukee Street (Beer Here).

City Planner Mark Roffers explained that the outdoor café is to be handled by the ordinance. The conditional use permit for serving alcohol will run with the property owner and not with the land. Plan Commission approves the transfer of a license. John Cordio (Beer Here) is in compliance with all past approvals. Roffers recommended the Plan Commission approve the amendment to the conditional use permit for Beer Here, located at 617 E. Milwaukee Street, to allow the sale of alcohol by the bottle or drink in the outdoor café area, and further to

recommend Council transfer of the Class B Liquor License from the Sweet Spot to the applicant, subject to the following conditions:

1. The conditional use permit shall run with the business owner and not the land. Any change in ownership will first require approval of a conditional use permit amendment.
2. The serving and sale of alcoholic beverages in the outdoor café area shall adhere to the requirements listed under Section 5.18.070 of the City of Whitewater Municipal Code, including but not limited to the requirement that the outdoor café area within which alcohol is being served shall--at all times it is being used--be roped off or otherwise enclosed by a freestanding barrier that is at least three feet high.
3. All prior conditions of 2006 and 2008 conditional use permit approvals shall continue to apply.

Chairperson Torres closed the public hearing.

Moved by Miller and Zaballos to approve the amendment to the conditional use permit for Beer Here, located at 617 E. Milwaukee Street, to allow the sale of alcohol by the bottle or drink in the outdoor café area, and to recommend to the City Council to transfer the Class B Liquor License from the Sweet Spot to the applicant, subject to the City Planners three conditions. Motion approved by unanimous roll call vote.

PUBLIC HEARING FOR AN AMENDMENT TO THE CONDITIONAL USE PERMIT FOR CREATION OF AN OUTDOOR CAFÉ TO BE LOCATED AT 561 E.

MILWAUKEE STREET FOR RICK HARTMANN. This item was removed from the agenda due to the City Council adoption of the Outdoor Private Property Café Permit Ordinance.

CONCEPTUAL REVIEW OF THE PROPOSED PRIVATE STUDENT APARTMENT BUILDING TO BE LOCATED AT 234 N. PRINCE STREET FOR UNITED GROUP OF COMPANIES. City Planner Mark Roffers explained the project background. This apartment building is planned to be located on N. Prince Street, west of the University and north of W. Florence Street. It is to be a higher density development. This property is located in an R-3 (Multi-family) Zoning District. The only option for this project is PCD (Planned Community Development Zoning). The Applicant is requesting a conceptual review by the Plan Commission. The applicant approached the city staff in the spring of this year and have made changes to their proposal in response to staff comments. The Church is asking to amend the City Comprehensive Plan for their property to be noted as future higher density. The Comprehensive Plan shows the property to be future institutional use. There will be five standards the proposal will have to follow when and if the proposal comes back as a PCD and it must be found to be consistent with the City of Whitewater Comprehensive Plan.

Erik Steffensen, representing the United Group Corporation, explained the history of the company. They are an overgrown family business which started in Troy, New York. They manage 5000 beds of their own built properties plus manage other property. They have not sold any within the last 12 years. Most of their buildings are in campus communities on campuses from 2,000 to 10,000 students, and have built a building identical to the proposed structure within the last 24 months. The building is 4 stories with parking underneath. There are 90 parking spots; two lots on the southeast and southwest corners of the property and the parking ramp. The building has 48 units, 165 to 170 beds. The building is stick built over concrete; the first floor is brick and stone. It is decorated like an over grown home. The interior has 4 bedrooms, 2 bath, student apartments. The bedrooms include a full bed, desk, dresser, and

closet. The apartment has a full kitchen. There is no food service in the building, only a small café which offers grab and go sandwiches. They include wireless internet, cable, heat, air conditioning at a flat rate fee. The student is required to have a cosigner. They offer hassle free living. There is a security desk. The maintenance person lives in the building and is on call. The management office has a business and computing center (term paper center). They will also have resident assistants, an in-kind employee, who will oversee 40 to 50 students. There is zero tolerance for unlawful activity. This is considered a living/learning community. The Southeast corner will house an outreach program and chapel for the church that was here. There will be onsite stormwater treatment. They held a neighborhood meeting which was generally very positive feedback. They were unable to meet with the Fire Chief but would be meeting with them on the access on north for fire and the hydrant on the northwest area of the site.

Plan Commission Member Binnie asked about the potential arrangements for offsite parking.

Plan Commission Member Stone asked about having enough off street parking spaces for the students of the building (177 spaces). Maybe they needed to cut back the number of bedrooms to get approval. There are more and more parking issues.

Erik Steffensen explained that they could enhance the parking by adding 25 to 40 stalls in an auxiliary lot across the street. Steffensen explained that with the location of the building, there should be no significant commuting. They wanted to keep the occupancy, with a fee to reserve a parking stall.

City Planner Mark Roffers explained that the project could not proceed with the parking as is. 173 parking stalls are required if the property is to remain R-3 Zoning. There is flexibility with the PCD Zoning. The plan with the parking under the building and the surface parking space ration is .54 spaces per projected occupant. The auxiliary parking of 25 to 40 spaces brings it up close to the .7 standard. The addition of the parking lot at the corner of Lindsey Court and Florence would raise some potential issues such as the distance from the parking lot to the entrance of the building; and the compatibility of a surface parking lot on Lindsey Court gives controversy to what would happen to the future of Lindsey Court. These issues should be considered as well.

Plan Commission Members asked about business manager and onsite maintenance being full time employees; signage; the front of the building having a casual sitting area; how many people attended the neighborhood meeting; asked for clarification of the parking; and suggested putting the parking behind the building. Are there units for those with disabilities?

Erik Steffensen explained that the business manager and on-site maintenance would be full time employees. There would be 3 to 4 Resident Assistants. Approximately 35 people attended the neighborhood meeting. This is active adult housing. It is totally handicap accessible. It has double elevators.

City Planner Mark Roffers explained that in the R-3 Zoning, there is a maximum of three spaces allowed in a street yard area. The area in front of the building leaves little for landscaping. Roffers suggested making it a circular drive only and to get the parking out of the front yard setback. The building should be reviewed at an apartment building per code, not a dormitory. In response to a report on density, and Comprehensive Plan consistency, we need to look at comparable projects such as the Regent Apartments. The PCD included 3 other houses, 24 units per acre; the apartments 33 units per acre. The proposed apartment building is 28 units per acre. In considering the occupants per acre, the Regent, including the entire PCD area, has occupancy at 53 per acre maximum; just the Regent apartment building, the CSM area, is at 70 occupants

per acre. The proposed development for Prince Street is 100 occupants per acre.

Sherry Hofer, 1018 W. Florence Street, stated that she was in favor of this development. Her home is being included as part of this development. They have lived there for 39 years. The area has changed from single family to almost entirely student residential. They have had great and horrible student neighbors. They have had to deal with vandalism and lack of respect. Problems occur every night of the week and police response is less than prompt. It has made the area very difficult to live in. This is a new opportunity and she encouraged the Plan Commission to approve.

Mike Grubb, attorney in Janesville, representing independent property owners, stated that he has a personal interest in Whitewater as he has lived here for 32 years. He presented a table of comparisons. They want to make sure that the proposed project complies with the Zoning Code and with what the City has done in the past. It is important to keep in mind that this is a conceptual plan. Plan Commission should give the same level of scrutiny to this project as other projects for density, parking etc. in the process of evaluating this. The PCD (Planned Community Development) process is not to be used as an avenue to get around other requirements. He attended the neighborhood meeting. The chart shows that they are packing a lot of people into a small area. The Comprehensive Plan is vague as far as density. The Central Area Plan has 55 to 60 occupants per acre. The parking is not similar to the Regent. The Prince Street proposal is an overall larger project and much more dense. They asked the Plan Commission to take their time in considering this project. Consider the University busting at its seams and students/residents of Whitewater with no place to stay. Is there a need to bend to this degree at this time? Grubb did not feel there was any reason to do that now. He asked the Plan Commission to consider what he said.

City Planner Mark Roffers explained that the Central Area Plan was replaced with the Comprehensive Plan. Roffers has no disagreements with Mike Grubb's information. It is up to the Plan Commission to determine a fair competition. This proposal is still in conceptual review.

Russell Walton, a contractor/landlord in Whitewater, voiced his concern that parking is important and this proposal does not have enough for the number of students they plan to house. He has a number of lots this size and has been told he must comply with the density or not do the project. It should be fair for everyone, same standards.

Bob Freiermuth Jr., investor in Whitewater, voiced his concern of the green space, the number of parking stalls, density, taxes. Everyone needs to follow the same rules.

Ed Kowalski explained that they have very nice apartments (140 units) on the east side of Whitewater on 17 acres of land. It used to be about 70 percent families and 30 percent students. It is now a lot more students. The vacancy level is high. They have 22 empty apartments. When they first built, they had a waiting list. There are typically three cars per unit. They have been waiting for two years for a local developer who planned to have a grocery store in the neighborhood. It has not happened. Kowalski felt that a study should be done, not at the sacrifice of others, and consider what is really out there. Do we really need a project like this?

Connie Forester, rental property owner, asked about the new dorms at the university and if there will be enough students to fill it. How many homes needed to be torn down to provide for this project? How will student behavior change? R-3 is measured by the number of people in a unit. Must be consistent for all. She was also concerned about the 4 story building. How will it affect the neighboring homes not being able to see the trees and sky?

City Planner Mark Roffers explained that a PCD could allow the Plan Commission to demand a housing analysis etc.

Erik Steffensen explained that they are having a third party market study done and should have the findings in the next week or two. There are 400 beds in the new dorm on Starin Road (1100 applicants). There plan to be 300 per year for the next 5 years. They would be using three homes in addition to the Church property.

Bob Freiermuth Sr., investor in Whitewater, R-3 to PCD will not make the .33 car go away. 2) The Regency has green space set aside for parking, if it is needed, it is there. 3) Density/vacancy issue. If the smaller landlords or out of town landlords don't keep their rentals full, they don't have the income for upkeep, homes become derelicts/broken window scenario.

Tom Schermerhorn, Architect with Excel Engineering, stated that they started with 20 issues and have come down to three. The report/letter from Vandewalle and items in their analysis pointed out some goals. The Comprehensive Plan has higher density near the university. This is a transitional property across the street from most of the academic buildings. This is part of the appeal of the site. He stated that they have some issues to work through and hoped to meet goals together.

When asked about the R-3 parameters of parking, City Planner Mark Roffers explained that in the R-3 it is determined by the number of bedrooms. 4 bedrooms requires 4 parking stalls. 5 persons are allowed per unit.

Sherry Hofer stated that there is a totally different activity in an apartment complex than in an R-3 residential area.

Roffers encouraged Plan Commission feedback.

Plan Commission Members voiced their concerns: Stone was concerned about the size and scope of the project, green space, and trees. He does not support the project as is, but would support a substantially smaller project. Coburn voiced concerns of the density, green space and parking. Would entertain a smaller project. Torres didn't feel that this was a fair project as it is proposed at this time. Binnie was not real concerned about parking. Not as concerned about density either because of all the amenities it offers. He was not as concerned about the density. This project provides a level of amenities that are not in the current housing. Vacancies are market driven. Some student housing is not up to a very high standard. He has some concerns about the proposal, but felt it should be given serious consideration. Zaballos would like to see more parking. The density can't be compared to the Regent. There are all sorts of amenities; the Plan Commission has to make sure the developer provides them and possibly more. The proposal offers greater density for the university. Zaballos was comfortable with the size. 19.39.040 Buildings shall blend, when the neighborhood is gone, this will continue. It does not blend now, but this is what she has envisioned for this area. There will be more blend in 15 years. Because of the size of the development we are going to ask for higher standards,

Erik Steffensen stated that he would provide statistics, pictures, references, and who typically lives there.

Plan Commission Member Zaballos asked about the storage of bikes (space would be made available inside the parking garage. She would like to see actual pictures of similar projects with their landscaping. She would also like to see the trash located inside the building if at all possible.

Chairperson Torres stated that if there were not enough parking, it would be a business demand. Other developers were not given this option. His concern is to be fair across the board.

Plan Commission Members Dalee and Miller voiced concerns that most students have a car.

Plan Commission Member Binnie noted that the Regent had adequate parking. Parking has a huge affect on meeting the stormwater standards. There are a lot of parking areas that are just sitting there which adds a lot of stormwater to the system.

Plan Commission Member Zaballos had concerns of too much parking and felt there needed to be a balance. The developer should maintain the extra lot as is, unless parking is needed.

Erik Steffensen thanked the Plan Commission.

REVIEW AND MAKE RECOMMENDATION TO THE CITY COUNCIL BY RESOLUTION FOR CONSIDERATION OF AN AMENDMENT TO THE CITY OF WHITEWATER COMPREHENSIVE PLAN CHANGING THE CALVARY LUTHERAN CHURCH PROPERTY LOCATED AT 234 N. PRINCE STREET FROM “INSTITUTIONAL” FUTURE LAND USE CATEGORY TO THE “HIGHER DENSITY RESIDENTIAL” FUTURE LAND USE CATEGORY. City Planner Mark Roffers explained that the City Comprehensive Plan recommends future land use for the next 20 years, whether it is a church or not. It is important that this is a public process. The Church would like the future land use to change. The Comprehensive Plan long range future land use is now institutional use. They would like to have it changed to allow multi-family. The lands east, south and north of the property are recommended as higher density residential. The size of this site would allow for multi-family. The City Planner recommended that the Plan Commission make the recommendation to the City Council by resolution for an amendment to the City of Whitewater Comprehensive Plan changing the Calvary Lutheran Church property located at 234 N. Prince Street from “Institutional” future land use category to the “Higher Density Residential” future land use category.

Plan Commission Member Stone stated that he would be voting against this change at this time.

Chairperson Torres stated that there was no harm in changing the zoning. He was in favor of the change to the Comprehensive Plan.

Plan Commission Member Binnie agreed with Torres. If we would not grant the change to the property owner, it would be extremely unfair. If we would have envisioned that the Church was thinking about using the land for other than a church, we would have included it in the higher density area when we did the Comprehensive Plan given the changes made to the neighborhood.

Moved by Binnie and Coburn to adopt by resolution the amendment to the City of Whitewater Comprehensive Plan changing the Calvary Lutheran Church property located at 234 N. Prince Street from “Institutional” future land use category to the “Higher Density Residential” future land use category. Motion approved with all ayes except Stone voted no.

City Planner Mark Roffers explained that according to Wisconsin Statutes, the public hearing goes before the City Council. A Class 1 Notice would need to be to the paper 30 days before the hearing.

REVIEW AND MAKE RECOMMENDATION TO THE CITY COUNCIL FOR THE ACQUISITION OF THE PROPERTY AT 372 N. FREMONT STREET FOR PROPOSED PARKLAND DEVELOPMENT. Matt Amundson, Park and Recreation Director, explained that the Park and Recreation Department is looking to purchase the property at 372 N. Fremont Street for a potential future ball diamond and future detention pond.

City Planner Mark Roffers stated that he recommended approval based on the consistency with the City of Whitewater Comprehensive Plan.

Plan Commission Member Stone stated that it is a worthwhile investment and would be well used.

The City would have a market analysis done before purchasing the property.

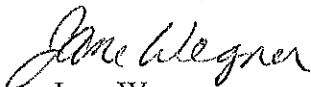
Moved by Stone and Binnie to approve and recommend to the City Council for the acquisition of the property at 372 N. Fremont Street for proposed parkland development. Plan Commission finds this proposal consistent with the City of Whitewater Comprehensive Plan and the City Park Plan. Motion approved by unanimous roll call vote.

INFORMATION:

The next regular Plan Commission meeting will be September 13, 2010.

Moved by Miller and Coburn to adjourn at approximately 8:25 p.m. Motion was approved by unanimous voice vote.

Respectfully submitted,


Jane Wegner
Secretary

#5



Neighborhood Services • Code Enforcement / Zoning and Department of Public Works
312 W. Whitewater Street / P.O. Box 178, Whitewater, WI 53190
(262) 473-0540 • Fax (262) 473-0549
www.ci.whitewater.wi.us

NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

A meeting of the PLAN AND ARCHITECTURAL REVIEW COMMISSION of the City of Whitewater will be held at the Municipal Building, Community Room, located at 312 W. Whitewater Street on the 13th day of September, 2010 at 6:00 p.m. to hold a public hearing for the consideration of a conditional use permit for the expansion of the Jessica's Restaurant (140 W. Main Street) into the building located at 138 W. Main Street with the addition of four upper residential units and one first floor handicap accessible (ADA) unit and review of the exterior alterations of the buildings for Urim Shabani.

The proposal is on file in the office of the Zoning Administrator at 312 W. Whitewater Street and is open to public inspection during office hours Monday through Friday, 8:00 a.m. to 4:30 p.m.

This meeting is open to the public. COMMENTS FOR, OR AGAINST THE PROPOSED PROJECT MAY BE SUBMITTED IN PERSON OR IN WRITING.

For information, call (262) 473-0540

Bruce R. Parker, Zoning Administrator

OT-1, WUP-255
R & B BRASS RAIL CORP
130 W MAIN STREET
WHITEWATER WI 53190

OT-3A,10,11, WSS-13
W JOS KETTERHAGEN JR
117 N FIRST STREET
WHITEWATER WI 53190

OT-6
MIKNNAL LLC
N6927 GREENLEAF CT
ELKHORN WI 53121

OT-9, 12
WERNER KETTERHAGEN JR
MARY E KETTERHAGEN
1230 W SATINWOOD LANE
WHITEWATER WI 53190

OT-14
FIRST & MAIN OF
WHITEWATER
599 S FRANKLIN STREET
WHITEWATER WI 53190

OT-20
TERRENCE L STRITZEL
W5524 TRI COUNTY ROAD
WHITEWATER WI 53190

OT-73
JOHN M BASILE
MARGARET M BASILE
W5211 MEADOW LANE
ELKHORN WI 53121

OT-76
141 W MAIN STREET BUILDING
N1103 PECHOUS LANE
WHITEWATER WI 53190

OT-80
AUREL BEZAT
DANIELA BEZAT
234 N PARK STREET
WHITEWATER WI 53190

OT-85,86
WALTON DISTRIBUTING LLC
1005 W MAIN STREET SUITE C
WHITEWATER WI 53190

OT-2
CBP PROPERTIES LLC
P O BOX 528
WHITEWATER WI 53190

OT-4
JOHN J GELETTA
KIMBERLY J GELLETTA
745 WALKER WAY
EDGERTON WI 53534

OT-7
WOKES LLC
647 S WISCONSIN STREET
WHITEWATER WI 53190

OT-13,23,24,140,TR-1,2,3, WSS-
10,12,14,14A,18, WUP-256,
257,257B
CITY OF WHITEWATER

OT-17
HICKS SURVIVOR TRUST
N7934 HIGHWAY 89
WHITEWATER WI 53190

OT-62
DONALD E LIGGETT TRUST
P O BOX 223061
PRINCEVILLE HI 96722

OT-74
MARK O BERGEY
JEAN BERGEY
173 W MAIN STREET
WHITEWATER WI 53190

OT-78
RUSSELL R WALTON
KIM A WALTON
1005 W MAIN ST SUITE C
WHITEWATER WI 53190

OT-81,82,83
TRIPLE J PROPERTIES LLC
543 A J ALLEN CIRCLE
WALES WI 53183

TR-4,5,6,6A
CC PROPERTY DEVELOPMENT
LLC
111 W WHITEWATER ST
WHITEWATER WI 53190

OT-3
WATSON & SCHARINE
136 W MAIN STREET
WHITEWATER WI 53190

OT-5
ILMI SHABANI
ANIFE SHABANI
140 W MAIN STREET
WHITEWATER WI 53190

OT-8
JOSE J BARAJAS
JUANA BARAJAS
409 S BUCKINGHAM BLVD
WHITEWATER WI 53190

OT-13A
ROBERT M KNUDSON
NICOLE M KNUDSON
W3438 CRESTWOOD DRIVE
WHITEWATER WI 53190

OT-18,19
KJN DEVELOPMENT LLC
309 BENTON COURT
WALES WI 53183

OT-65,71
PIKA DEVELOPMENT
S78 W20177 MONTEREY DR
MUSKEGO WI 53150

OT-75
DLK ENTERPRISES INC
P O BOX 239
WHITEWATER WI 53190

OT-79
LAKEVIEW CENTER, LLC
147 W MAIN STREET
WHITEWATER WI 53190

OT-84
BULLDOG INVESTMENTS LLC
N6927 GREENLEAF CT
ELKHORN WI 53121

TR-8,9
WISCONSIN DAIRY SUPPLY
P O BOX 239
WHITEWATER WI 53190

TR-10,12
COMMUNITY DEVELOPMENT
AUTHORITY
WHITEWATER WI 53190

WSS-19A
BIRCHWOOD ENTERPRISES
LLC
1824 RIVERVIEW DRIVE
JANESVILLE WI 53545

WUP-257A
DONNA JOANNE HENRY
347 S JANESVILLE ST
WHITEWATER WI 53190

WUP-258
LAKELAND PROPERTY
MANAGEMENT
W312 S9003 MOCCASIN TRAIL
MUKWONAGO WI 53149

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of the month. All complete plans must be in by 9:00 a.m. four weeks prior to the meeting. If not, the item will be placed on the next available Plan Commission meeting.

CITY OF WHITEWATER
CONDITIONAL USE PERMIT APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least four weeks prior to the meeting. \$100.00 fee. Filed on 8/13/10.
2. Class 1 Notice published in Official Newspaper on 9/2/10.
3. Notices of the Public Hearing mailed to property owners on 8-30-10.
4. Plan Commission holds the PUBLIC HEARING on 9-13-10. They will hear comments of the Petitioner and comments of property owners. Comments may be made in person or in writing.
5. At the conclusion of the Public Hearing, the Plan Commission makes a decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.66 of the City of Whitewater Municipal Code of Ordinances, entitled CONDITIONAL USES, for more information on the application.

Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 10 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

SITE PLAN SUBMITTAL REQUIREMENTS

This checklist must be completed before making application for a City of Whitewater Zoning/Building Permit. If not complete, the application will be returned to the owner and will not proceed until all information and forms are complete.

Drawings must be legible and drawn to scale not less than 1/4" per foot unless noted.

Address of Project 138 W. MAIN ST
Zoning of Property B-2 CENTRAL BUSINESS

1. **Site Plan**, including the location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpster areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.
2. **Natural Features Inventory Map**, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.
3. **Landscape Plan**, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.
4. **Grading and drainage plan**, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.
5. **Utilities plan**, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.
6. **Building elevations**, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.
7. **Sign plan**, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.
8. **Lighting plan**, meeting the City's lighting ordinance, and showing the location, height, type, orientation, and power of all proposed outdoor lighting—both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.

9. **Floor plan** which shows:

A. The size and locations of:

- 1) Rooms;
- 2) Doors;
- 3) Windows;
- 4) Structural features - size, height and thickness of wood, concrete and/or masonry construction;
- 5) Exit passageways (hallways) and stairs (including all stair dimensions - riser height, tread width, stair width, headroom and handrail heights);
- 6) Plumbing fixtures (bathroom, kitchen, etc.) - lavatory, water closet, water heater, softener, etc.;
- 7) Chimney(s) - include also the type of construction (masonry or factory built);
- 8) Heating equipment;
- 9) Cooling equipment (central air conditioning, if provided);
- 10) Attic and crawl space access; and
- 11) Fire separation between dwelling and garage.
- 12) Electrical service entrance/transformer location.

10. **Elevation drawings** which show:

- A. Information on exterior appearance (wood, stone, brick, block, colors);
- B. Indicate the location, size and configuration of doors, windows, roof chimneys and exterior grade level.
- C. Indicate color of Trim_____, Siding_____, Roofing_____.
- D. Electrical service entrance/transformer location.

11. **Type of Project:**

- A. Single family;
- B. Duplex;
- C. Multifamily # units 5; 4) upper level / 1) ADA
Condominium # units _____; Compliant @ least
Sorority # units _____; lower level
Fraternity # units _____;
- D. Office/Store;
- E. Industrial;
- F. Parking lot # of stalls _____;
- G. Other; Restaurant expansion.

City of Whitewater
Application for Conditional Use Permit

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: Urim Shabani
Applicant's Address: 140 W. Main St.
Whitewater WI 53190 Phone # 262-473-9890

Owner of Site, according to current property tax records (as of the date of the application):

JOHN GELETTA
Street address of property: 138 W. MAIN ST
Legal Description (Name of Subdivision, Block and Lot or other Legal Description):
PT LOT 1, BLK 1: COM SW COR LOT 1, E 42', NELY TO PT 42' E OF SE COR LOT 4
BLK 1, W TO SE COR LOT 4, SWLY TO P.O.B ORIGINAL TOWN CITY OF
WHITEWATER

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: PETER WESTON
Name of Firm: THE DESIGN ALLIANCE ARCHITECTS, INC.
Office Address: 1001 MADISON AVE, SUITE C
FORT ATKINSON, WI 53538 Phone: 920-563-3404
Name of Contractor: COUNTRY BUILDERS, INC.
220 N. JEFFERSON ST, WHITEWATER, WI 53190
Has either the applicant or the owner had any variances issued to them, on any property? YES ☐ NO ☒
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

EXISTING AND PROPOSED USES:

Principal Use: RECREATION Current Land Use:
Accessory or Secondary Uses:
Proposed Use (Describe need for conditional use):
RESTAURANT SEATING + ADA COMPLIANT APARTMENT @
LOWEL LEVEL W/UPPER-FLOOR APARTMENTS.
No. of occupants proposed to be accommodated: ~ 200
No. of employees: ~ 5
Zoning District in which property is located: B-2 CENTRAL BUSINESS
Section of City Zoning Ordinance that identifies the proposed land use as a Conditional Use in the Zoning District in which the property is located: 19.30.030 (G)

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS


STANDARD	APPLICANT'S EXPLANATION
A. That the establishment, maintenance, or operation of the Conditional Use will not create a nuisance for neighboring uses or substantially reduces value of other property.	YES
B. That utilities, access roads, parking, drainage, landscaping, and other necessary site improvements are being provided.	YES
C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance.	YES
D. That the conditional use conforms to the purpose and intent of the City Master Plan.	YES

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved conditional uses. Conditions can deal with the points listed below. Be aware that there may be discussion at the Plan Commission in regard to placement of such conditions upon your property. You may wish to supply pertinent information.

"Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan and Architectural Review Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

"Conditional Uses" may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.


Applicant's Signature

8/13/10
Date

APPLICATION FEES:

Fee for Conditional Use Application: \$100

Date Application Fee Received by City 8-13-10 Receipt No. 6.008796

Received by J. Wegner

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: 8-30-10

Date set for public hearing before Plan & Architectural Review Board: 9-13-10

ACTION TAKEN:

Conditional Use Permit: _____ Granted _____ Not Granted by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairman

Date

AGREEMENT OF SERVICES

REIMBURSABLE BY THE PETITIONER/APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission, Board of Zoning Appeals and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the Petitioner and/or property owner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the proposed application (Architectural Review, B.Z.A., Planning, Zoning Change):

Urim Shabani, the applicant/petitioner for
(Owner's Name): Jessica's, dated: 8/13/10
Phone # 262-473-9890, tax key #(s) _____

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Whitewater, in the judgement of its staff, to obtain additional professional service(s) (e.g. engineering, surveying, planning, legal) than normally would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

Dated this 13 day of Aug., 2010

[Signature] (Signature of Applicant/Petitioner)

Urim Shabani (Printed Name of Applicant/Petitioner)

[Signature] (Signature of Owner of Property & Date Signed)

Urim Shabani (Printed Name of Owner of Property)

NOTICE: The Plan Commission meetings are scheduled on the 2nd Monday of each month. All completed plans must be in by 4:30 p.m. four weeks prior to the scheduled meeting. If not, the item will be placed on the next available Plan Commission meeting agenda.

CITY OF WHITEWATER
PLAN REVIEW APPLICATION PROCEDURE

1. File the application with the Code Enforcement Director's Office at least two weeks prior to the meeting. \$100.00 fee. Filed on 8-13-10.
2. Agenda Published in Official Newspaper on 9-9-10.
3. Notices of the public review mailed to property owners on 8-30-10.
4. Plan Commission holds the public review on 9-13-10.
They will hear comments of the Petitioner and comments of property owners.
Comments may be made in person or in writing.
5. At the conclusion of the public review, the Plan Commission makes a decision.

PLEASE COMPLETE THE FOLLOWING APPLICATION.

Refer to Chapter 19.63 of the City of Whitewater Municipal Code of Ordinances, entitled PLAN REVIEW, for more information on the application.

Twenty complete sets of all plans should be submitted. All plans should be drawn to a scale of not less than 50 feet to the inch; represent actual existing and proposed site conditions in detail; and indicate the name, address, and phone number of the applicant, land owner, architect, engineer, landscape designer, contractor, or others responsible for preparation. It is often possible and desirable to include two or more of the above 8 plans on one map. The Zoning Administrator or Plan and Architectural Review Commission may request more information, or may reduce the submittal requirements. If any of the above 10 plans is not submitted, the applicant should provide a written explanation of why it is not submitted.

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This checklist must be completed before making application for a City of Whitewater Zoning/Building Permit. If not complete, the application will be returned to the owner and will not proceed until all information and forms are complete.

Drawings must be legible and drawn to scale not less than 1/4" per foot unless noted.

Address of Project 138 + 140 WEST MAIN ST.

Zoning of Property B-2 CENTRAL BUSINESS

1. **Site Plan**, including the location and dimensions of all buildings, parking, loading, vehicle and pedestrian circulation, signs, walls, fences, other structures, outdoor storage areas, mechanicals, and dumpsters. Adjacent streets and uses and methods for screening parking, loading, storage, mechanical, and dumpster areas should be shown. Statistics on lot area, green space percentage, and housing density should be provided. The Plan Commission encourages compliance with its adopted parking lot curbing policy.
2. **Natural Features Inventory Map**, showing the existing limits of all water bodies, wetlands, floodplains, existing trees with trunks more than 4 inches in diameter, and any other exceptional natural resource features on all or part of the site.
3. **Landscape Plan**, prepared by a professional, and showing an overhead view of all proposed landscaping and existing landscaping to remain. The species, size at time of planting, and mature size should be indicated for all plantings. Areas to be left in green space should be clearly delineated. The Plan Commission encourages compliance with its adopted landscaping guidelines, available from the Zoning Department.
4. **Grading and drainage plan**, meeting the City's stormwater management ordinance if required. The plan should show existing and proposed surface elevations on the site at two foot intervals or less, and proposed stormwater management improvements, such as detention/retention facilities where required. Stormwater calculations may be required.
5. **Utilities plan**, showing locations and sizes of existing and proposed connections to sanitary sewer, water, and storm sewer lines, along with required easements. Sampling manholes may be required for sanitary sewer. The City's noise ordinance must be met.
6. **Building elevations**, showing the dimensions, colors, and materials used on all sides of the building. The Plan Commission encourages variety and creativity in building colors and architectural styles, while respecting the character of the surrounding neighborhood.
7. **Sign plan**, meeting the City's sign ordinance, and showing the location, height, dimensions, color, materials, lighting and copy area of all signage.
8. **Lighting plan**, meeting the City's lighting ordinance, and showing the location, height, type, orientation, and power of all proposed outdoor lighting—both on poles and on buildings. Cut sheets and photometric plans may be required for larger projects.

9. **Floor plan** which shows:

- A. The size and locations of:
- 1) Rooms;
 - 2) Doors;
 - 3) Windows;
 - 4) Structural features - size, height and thickness of wood, concrete and/or masonry construction;
 - 5) Exit passageways (hallways) and stairs (including all stair dimensions - riser height, tread width, stair width, headroom and handrail heights);
 - 6) Plumbing fixtures (bathroom, kitchen, etc.) - lavatory, water closet, water heater, softener, etc.;
 - 7) Chimney(s) - include also the type of construction (masonry or factory built);
 - 8) Heating equipment;
 - 9) Cooling equipment (central air conditioning, if provided);
 - 10) Attic and crawl space access; and
 - 11) Fire separation between dwelling and garage.
 - 12) Electrical service entrance/transformer location.

10. **Elevation drawings** which show:

- A. Information on exterior appearance (wood, stone, brick, block, colors);
- B. Indicate the location, size and configuration of doors, windows, roof chimneys and exterior grade level.
- C. Indicate color of Trim_____, Siding_____, Roofing_____.
- D. Electrical service entrance/transformer location.

11. **Type of Project:**

- A. Single family;
- B. Duplex;
- C. Multifamily # units 5;
Condominium # units _____;
Sorority # units _____;
Fraternity # units _____;
- D. Office/Store;
- E. Industrial;
- F. Parking lot # of stalls _____;
- G. Other; RESTAURANT EXPANSION

City of Whitewater
Application for Plan Review

IDENTIFICATION AND INFORMATION ON APPLICANT(S):

Applicant's Name: Dr. M. Shabani
Applicant's Address: 140 W. Main St.
Whitewater, WI 53190 Phone # 262-473-9890

Owner of Site, according to current property tax records (as of the date of the application):
ILMI SHABANI JOHN GULETTA
Street address of property: 138 W. MAIN ST. 140 W. MAIN ST.
Legal Description (Name of Subdivision, Block and Lot or other Legal Description):

Agent or Representative assisting in the Application (Engineer, Architect, Attorney, etc.)

Name of Individual: PETER WESTON
Name of Firm: THE DESIGN ALLIANCE ARCHITECTS, INC.
Office Address: 1001 MADISON AVE. SUITE C
FORT ATKINSON, WI 53538 Phone: 920-563-3404
Name of Contractor: COUNTRY BUILDERS, INC.
220 N. JEFFERSON ST. WHITWATER, WI 53190
Has either the applicant or the owner had any variances issued to them, on any property? YES ☐ NO ☒
If YES, please indicate the type of variance issued and indicate whether conditions have been complied with.

EXISTING AND PROPOSED USES:

Principal Use: Restaurant and Recreation Current Land Use:
Accessory or Secondary Uses:
Proposed Use
Restaurant Only + ADA compliant Apartment
w/upper - Floor Apartments
No. of occupants proposed to be accommodated: ~ 200
No. of employees: ~ 5
Zoning District in which property is located: B-2 Central Business
Section of City Zoning Ordinance that identifies the proposed land use in the Zoning District in which the property is located: 19.30.030 (9)

PLANS TO ACCOMPANY APPLICATION

Applications for permits shall be accompanied by drawings of the proposed work, drawn to scale, showing, when necessary, floor plans, sections, elevations, structural details, computations and stress diagrams as the building official may require.

PLOT PLAN

When required by the building official, there shall be submitted a plot plan in a form and size designated by the building official for filing permanently with the permit record, drawn to scale, with all dimension figures, showing accurately the size and exact location of all proposed new construction and the relation to other existing or proposed buildings or structures on the same lot, and other buildings or structures on adjoining property within 15 feet of the property lines. In the case of demolition, the plot plan shall show the buildings or structures to be demolished and the buildings or structures on the same lot that are to remain.

STANDARDS

STANDARD	APPLICANT'S EXPLANATION
A. The proposed structure, addition, alteration or use will meet the minimum standards of this title for the district in which it is located;	YES
B. The proposed development will be consistent with the adopted city master plan;	YES
C. The proposed development will be compatible with and preserve the important natural features of the site;	YES
D. The proposed use will not create a nuisance for neighboring uses, or unduly reduce the values of an adjoining property;	YES


STANDARD	APPLICANT'S EXPLANATION
E. The proposed development will not create traffic circulation or parking problems;	YES
F. The mass, volume, architectural features, materials and/or setback of proposed structures, additions or alterations will appear to be compatible with existing buildings in the immediate area;	YES
G. Landmark structures on the National Register of Historic Places will be recognized as products of their own time. Alterations which have no historical basis will not be permitted;	N/A
H. The proposed structure, addition or alteration will not substantially reduce the availability of sunlight or solar access on adjoining properties.	YES

CONDITIONS

The City of Whitewater Zoning Ordinance authorizes the Plan Commission to place conditions on approved uses. Conditions can deal with the points listed below (Section 19.63.080). Be aware that there may be discussion at the Plan Commission in regard to placement of such conditions upon your property. You may wish to supply pertinent information.

"Conditions" such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, plantation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan and Architectural Review Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

"Plan Review" may be subject to time limits or requirements for periodic reviews where such requirements relate to review standards.


Applicant's Signature

8/13/10
Date

APPLICATION FEES:

Fee for Plan Review Application: \$100

Date Application Fee Received by City _____ Receipt No. _____

Received by _____

TO BE COMPLETED BY CODE ENFORCEMENT/ZONING OFFICE:

Date notice sent to owners of record of opposite & abutting properties: _____

Date set for public review before Plan & Architectural Review Board: _____

ACTION TAKEN:

Plan Review: _____ Granted _____ Not Granted by Plan & Architectural Review Commission.

CONDITIONS PLACED UPON PERMIT BY PLAN AND ARCHITECTURAL REVIEW COMMISSION:

Signature of Plan Commission Chairman

Date

AGREEMENT OF SERVICES

REIMBURSABLE BY THE PETITIONER/APPLICANT. The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming before the Plan Commission, Board of Zoning Appeals and/or Common Council. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. The City may apply the charges for these services to the Petitioner and/or property owner. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until the Petitioner pays such fees. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property. The Petitioner shall be required to provide the City with an executed copy of the following form as a prerequisite to the processing of the proposed application (Architectural Review, B.Z.A., Planning, Zoning Change):

Urim Shabani, the applicant/petitioner for
(Owner's Name): Jessica's, dated: 8/13/10
Phone # 262-473-9890, tax key #(s) _____

Agrees that in addition to those normal costs payable by an applicant/petitioner (e.g. filing or permit fees, publication expenses, recording fees, etc.), that in the event the action applied or petitioned for requires the City of Whitewater, in the judgement of its staff, to obtain additional professional service(s) (e.g. engineering, surveying, planning, legal) than normally would be routinely available "in house" to enable the City to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the City for the costs thereof.

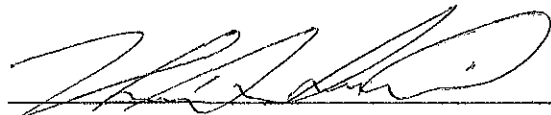
Dated this 13 day of Aug, 2010



(Signature of Applicant/Petitioner)

Urim Shabani

(Printed Name of Applicant/Petitioner)



(Signature of Owner of Property & Date Signed)

Urim Shabani

(Printed Name of Owner of Property)

Jane Wegner

From: Megan MacGlashan [mmacglashan@vandewalle.com]
Sent: Wednesday, September 08, 2010 10:53 AM
To: Jane Wegner
Cc: Mark Roffers
Subject: Jessica's Restaurant report
Attachments: Jessica's Restaurant 9.8.10.pdf; Jessica's Restaurant--marked up plans.pdf

Hi Jane,

Attached is our report on the Jessica's Restaurant project, along with one 2-page attachment that should accompany this report. We ask that you please send these documents to the applicant as soon as possible this morning, before sending out the packets. At this time, we are recommending postponement. However, please communicate to the applicant that we are in a position to review revised plans prior to the meeting on Monday if the applicant wishes to make changes addressing our comments between now and then.

Thank you.

Megan MacGlashan, AICP
Associate Planner
Growth Management Team
VANDEWALLE & ASSOCIATES INC.
Shaping places, shaping change
120 East Lakeside Street
PO Box 259036
Madison, WI 53725-9036
608.255.3988
www.vandewalle.com



VANDEWALLE & ASSOCIATES INC.

To: City of Whitewater Plan and Architectural Review Commission
From: Mark Roffers, AICP, and Megan MacGlashan, AICP City Planning Consultants
Date: September 8, 2010
Re: Request for approval of a conditional use permit and building plans to expand Jessica's Restaurant (140 W. Main Street) into the building at 138 W. Main, add four upper floor residential units and one first floor ADA accessible unit, and make exterior alterations

Summary of Request

The applicant, Urim Shabani, is requesting conditional use permit approval to expand Jessica's Restaurant, located at 140 W. Main Street, into the adjacent building to the east (138 W. Main) and to remodel that 138 W. Main Street building to include four upper floor residential units (2 one-bedroom apartments and 2 two-bedrooms apartments) and 1 one-bedroom, ADA accessible unit on the first floor, which would be located toward and accessible only from the rear of the building. Both properties are zoned B-2 Central Business. Within this district, first floor residential units require a conditional use permit while upper-story residential uses are permitted-by-right. The applicant is also proposing to make exterior alterations to the building at 138 W. Main, which would generally include the following:

1. Adding a horizontal band of windows along the upper the floor of the building (presently there are no windows in this area beyond two narrow vertical window bands).
2. Adding a new window (with awning) on the upper floor of the east side of the front facade.
3. Removing the existing two-door and three-door wide transparent doorways and replacing each with single doorways, infilling the remainder with brick that will match the existing brick on the building.
4. Adding an exterior stairway and new windows to the rear of the building.

Overall, we are very glad to see the growth and proposed expansion of an existing downtown Whitewater business. In general, are willing and excited to support the interior and exterior investments in the building associated with this expansion. Nevertheless, there are several issues with the proposed project we would like to be resolved before we would feel comfortable recommending approval of the project.

Analysis: Given the nature and complexity of our comments below, we have attached marked-up versions of the proposed front building façade and second-story floor plans to illustrate some of our comments.

120 East Lakeside Street • Madison, Wisconsin 53715 • 608.255.3988 • 608.255.0814 Fax
611 North Broadway • Suite 410 • Milwaukee, Wisconsin 53202 • 414.441.2001 •
414.732.2035 Fax
www.vandewalle.com

Shaping places, shaping change

1. The properties are located in the downtown and are zoned B-2 Central Business. All surrounding properties are also zoned B-2 and are comprised of mostly two-story commercial buildings, with some upper-story residential units. A majority of the buildings were built late in the 19th century and early in the 20th century. The building at 138 W. Main Street is a notable exception, having been built in the 1950s or 1960s as a theater. As a result, it currently has architectural features that are substantially different from its neighbors and little in the way of windows on either floor. The height of the building (and future differentiators between first and second stories) are also quite different as compared to neighboring buildings.
2. The City's zoning ordinance includes five criteria the Plan Commission must use to evaluate conditional use permit applications. In our opinion, this proposal for a first floor residential unit—which is the only aspect of this project that requires a conditional use permit—meets all five criteria. Specifically, we feel the first floor residential use will not create a nuisance for neighboring properties or substantially reduce neighboring property values; adequate utilities, access roads, parking, drainage, landscaping, and other necessary site improvements would be provided (except as indicated below); the first-floor residential use conforms to all applicable B-2 zoning regulations; that use conforms to the purpose and intent of the City's Comprehensive Plan (also see below); and that use is consistent with sound planning and zoning principles.
3. Section 19.63.100 of the City's Municipal Code (Plan Review Guidelines) specifies that proposed development "be consistent with the adopted city master plan [i.e. Comprehensive Plan]." These properties are identified on the future land use map in the City's Comprehensive Plan in the "Central Business" future land use category, which is intended to accommodate "pedestrian-oriented uses that are associated with Whitewater's historic downtown, such as commercial, office, institutional, and residential uses (with residential generally in upper stories)." Policies in the Comprehensive Plan indicate the City's preference for *upper-story* residential use in downtown buildings, primarily to ensure that lower level spaces are reserved for commercial activity. However, policies in the plan also support investments in downtown buildings and promote additional residential development in the downtown, which generally encourages 24-hour activity and helps provide the population necessary to support downtown businesses.

In this case, the applicant is proposing to include a lower level residential unit in the building at 138 W. Main because Federal ADA requirements mandate that a minimum of one of the five units be ADA accessible. The installation of an elevator in this building is cost prohibitive. Therefore, the only way the applicant can make this project work financially is to include one lower-level residential unit. In this situation, we feel the proposal for a ground floor unit is appropriate, particularly since this unit would be located at the rear of the building, only commercial activity would be detectable from the street, and the overall character of the downtown would not be comprised by the location of the unit. Further, the residential portion of the ground floor would only represent a small fraction of the total ground floor space, which would predominately be occupied by commercial. The City has allowed first floor residences in the downtown in similar, secondary locations.

The City's Comprehensive also includes several policies specific to areas shown as "Central Business" on the future land use map. These policies indicate that development activities in the Central Business district be consistent with the City's Downtown Whitewater Design Guidelines. This project has been evaluated against these design guidelines, This is reflected in the comments that follow.

4. This project would result in upgrades to the appearance of the property at 138 W. Main in the second story space. We feel that the first story facade needs further attention, in particular. Our suggestions regarding the proposed exterior alterations include the following, and may result in a

plan that looks a bit different than what has been presented to the Plan Commission at this point:

- a. Over the years, one of the City's ongoing goals has been to enhance the downtown as a pedestrian-friendly, vibrant center of the community. The zoning requirements and design guidelines that apply to the downtown area are intended to advance this objective by maintaining a built environment that is welcoming and generally encourages people to get out of their cars and walk around. One architectural approach to promoting pedestrian activity along the street is to increase the transparency of street level facades. However, in this case, the applicant is proposing to decrease the transparency of the first floor of the building at 138 W. Main as it faces Main Street. We understand that the building protrusion located between the two existing entrances presents somewhat of a challenge in this respect. However, we are at minimum interested in hearing the applicant discuss the potential options for adding additional windows along the front façade. Our preferred option for addressing this concern would be to relocate the proposed bathroom away from the front end of the restaurant expansion area. It would seem more appropriate--and more to the applicant's advantage--to locate both bathrooms toward the rear of the restaurant and open the front of the room up to dining space. Adding a large window in this location would open up the dining area, let in additional light, and allow people walking by to see into the restaurant—likely resulting in more patrons. Another idea includes building some sort of display window into the bumped out portion of the facade. In all, we feel that additional ground floor windows would be one of the most important things the applicant could do to improve the appearance of this building.
- b. To provide additional light and better balance window openings on the front of the building, we suggest three additional windows be added to the Main Street façade (potentially in addition to what is advised in (a) above). The design of the windows should be the same as the new window already being proposed for the upper floor on the eastern side of the façade. One of the three additional windows could be located directly beneath this window (on the first floor), and the other two additional windows could be located in parallel positions on the west side of the Main Street facade (first and second floors). See the attached marked-up version of the front building elevation. Given our recommendation in paragraph (a) above, however, we are open to the idea that it may not be necessary to include both of these additional first floor windows if a large window is added in place of the bumped out portion of the façade. We are interested in seeing what the applicant proposes.
- c. The applicant is proposing to keep the two narrow, vertical “window openings” located on either end of the front of the building. Only the top halves of these openings are actually transparent glass windows. The bottom halves are only made to look like architectural extensions of these windows. Upon inspection of the property, we also noticed that the bottom half of these “openings” are in severe disrepair. Overall, we feel these features are not particularly attractive components of the building, and we suggest they be removed all together, particularly in conjunction with other proposals to increase windows on both levels (theirs and ours—see above).
- d. To make the building seem more seamlessly integrated with this downtown block, we ask that the applicant consider raising the proposed awning above the first floor doors slightly to better align with the awnings and horizontal architectural features of adjacent buildings. For example, as proposed, it appears that this awning is perhaps a foot below the current awning above the Jessica's restaurant windows and door. The applicant should also specify what material will be used for the awning.

- e. It is unclear from the plans what materials will be used on the two proposed front façade doors, and what colors they will be. The framing materials and colors for all proposed doors and windows are not yet presented. This information should be supplied on a revised set of building elevation sheets. Also, the architect provided us with an architectural study of the Main Street façade which included an awning over the second story double-window that is shown near the east end of that façade, but the building elevation sheets dated July 13, 2010 do not show this awning. These plan differences should be reconciled.
 - f. The majority of the front of this building is faced with brick, except for the western-most portion of the building, which is white concrete. The current Jessica's Restaurant building is also faced with (white) brick. The concrete is not a particularly attractive or high quality building material, nor does it "fit" with the remainder of the building or surrounding buildings. We suggest the concrete segment of the building be refaced with brick to match the remainder of the building.
 - g. The rear entrance to the restaurant (doorway not located underneath the exterior stairway) should be covered with either an awning or other roof overhang to help identify the commercial entryway (versus the entryway to the residential unit) and to provide shelter from the elements for employees entering the building from the rear.
5. Within the B-2 district, there are no off-street parking requirements. However, the applicant is proposing to pave an area large enough for three parking stalls at the rear of the building (the area is currently surfaced with gravel). We recommend the applicant pave the entirety of the rear yard (from the building to the rear property line). The applicant should also clearly indicate on the site plan that all parking stalls will be striped and that wheel stops will be located at the ends of each stall to prevent people from bumping into the exterior stairway.
- Additional parking is available in the nearby City parking lots. One such lot is located at the east end of this block, accessible by the same driveway that provides access to the rear of this building. Another larger parking lot is located on the south side of the Main Street/Whitewater Street intersection. Resident parking permits would be required. At the time of this writing, we were not sure how many permits were available in these two lots. We ask that the applicant investigate this prior to the Plan Commission meeting.
- 6. All of the bedrooms proposed in the residential units will have windows, except for one bedroom proposed for the interior of the upper floor. This bedroom is proposed to have a skylight in the ceiling to bring in some daylight. It appears from the front building elevations there are two existing windows in the front façade of the upper-story, stepped-back portion of the building that are proposed to remain. However, we see no indication of these windows on the upper-story floor plans. The elevations should be revised to clearly depict these windows. Further, we feel this presents an opportunity to add some additional windows to the upper-story rooms, and, in particular, the one bedroom that is currently without any windows. In all other interior rooms that are without windows, we suggest that skylights be added to the ceilings. In general, the bedrooms and apartments are a reasonable size and ceilings appear to be a good height (average of 10 feet).
 - 7. Within the B-2 district, residential units above the first floors are limited to the non-family household sizes applicable in the R-1 and R-2 districts (up to three unrelated persons). First floor residential units may be limited to the non-family household sizes applicable in the R-3 district (up to five unrelated persons) with a conditional use permit and if adequate off-street parking is provided. In this instance, the proposed first floor unit would only be a one-bedroom unit and it is unclear from the submittal who will be allowed to use the proposed rear parking stalls, we

suggest that all five units in the building (first and second stories) be limited to the non-family household occupancy requirements applicable in the R-1 and R-2 districts.

8. The applicant is not proposing any new signage at this time. However, if the applicant wishes to have signage on the proposed new awning (or anywhere on the building at 138 W. Main for that matter), he will first have to obtain a sign permit from the Zoning Administrator. All signage must be consistent with the City's sign ordinance and the standards specified in the Downtown Whitewater Design Guidelines.
9. The applicant has not indicated any new exterior lighting at this time. If the applicant wishes to have any new light fixtures on the exterior of the building, such fixtures should be indicated on revised building elevations and must meet all City lighting standards.
10. The applicant will be required to pay a park improvement fee and fee-in-lieu of parkland dedication in accordance with City ordinance standards for the five additional housing units being added to this property.
11. The proposed presence of mechanical units on the Main Street façade should be more clearly presented and understood. For example, will window-mounted air conditioning units be allowed or required in second story windows, or is some sort of central air conditioning proposed? Also, like other downtown projects over the past 5-10 years, there should be no window/wall mounted satellite dishes allowed on the Main Street façade, and plans, leases, and conditions of approval should specifically indicate this.

Recommendation

Subject to comments received at the public hearing, we recommend the Plan Commission postpone approval of the conditional use permit and building plans to expand Jessica's Restaurant (140 W. Main Street) into the building at 138 W. Main, adding four upper floor residential units and one first floor ADA accessible unit, and make the proposed exterior alterations, subject to the following conditions:

SUMMARY OF ROFFERS/MACGLASHAN COMMENTS 9/8/10 (SEE REPORT FOR DETAILS)

10
A3

NORTH ELEVATION
SCALE: 1/4" = 1'-0"
2010/JESSICA'S RESTAURANT/JR-DRAWINGS.DWG
DATE: JULY 28, 2010

ESPECIALLY IF MORE FIRST FLOOR SPACE IN
CENTER PART OF BUILDING IS NOT OPENED
UP, CONSIDER INTRODUCING 1ST & 2ND STORY
WINDOWS HERE TO REFLECT THOSE PROPOSED ON EAST END OF SOUTH ELEVATION

PRESENCE OF SOUTH WALL OFF OF MAIN STREET
PROVIDES ADDITIONAL OPPORTUNITY TO BRING NATURAL
LIGHT IN 2 PROPOSED APARTMENT UNITS (ALSO, CAN
ANY AC UNITS & SATELLITE DISHES GO HERE INSTEAD OF
PRIMARY MAIN STREET FACADE?)

EXISTING WINDOWS TO REMAIN

EXISTING PROJECTED ARCHITECTURAL
ELEMENT TO BE REFURBISHED
WHAT IS/WILL BE MATERIAL?

NOT SHOWN ON 8/12/2010 FLOOR PLAN
AS REMAINING

PRELIMINARY
NOT FOR
CONSTRUCTION

REPLACE WITH
MATCHING BRICK
INSTEAD

EXISTING
JESSICA'S
AWNING

EXISTING WHITE
STONE AGGREGATE
TO REMAIN

SHOW LIKELY AC UNIT PLACEMENTS AND
RESTRICT AGAINST SATELLITE DISHES ON THIS FACADE

REPLACE EXISTING CANOPY FABRIC, NEW FABRIC
COLOR TO MATCH EXISTING RESTAURANT CANOPY

WHAT KIND
OF FABRIC?

ANY SIGNAGE?

ANY BUILDING
MOUNTED LIGHTING?

EXISTING BRICK
VENEER TO REMAIN
XX SEE REPORT FOR
COMMENTS ON OPENING
UP THIS SPACE XX

EXISTING BRICK
VENEER TO REMAIN

ARCHITECTURAL STUDY
ELEVATION SHOWED
AWNING ABOVE THIS
WINDOW - REVIEW FILE.

TRM DETAILS?

AS IS COMPATIBLE WITH
OTHER COMMENTS ON
OPENING UP 1ST FLOOR
FACADE, INTRODUCE
WINDOW HERE
REFLECTING UPPER
STORY WINDOW

CONSIDER REMOVAL
OF BOTH "BAND"
WINDOWS FOR
REASONS DESCRIBED
IN REPORT

REMOVE EXISTING DOOR
AND REPLACE WITH
"STOREFRONT" WINDOW
REMOVE EXISTING RAILING AND
CONCRETE STEP, REPLACE
STEP WITH CONCRETE RAMP

REPLACE EXISTING DOOR SYSTEM
WITH NEW SINGLE DOOR - INFILL
REMAINDER WITH STUD WALL AND
BRICK VENEER TO MATCH EXISTING

INDICATE ALL DOOR/WINDOW MATERIALS & COLORS, INC. TRM.

20
A3

SOUTH ELEVATION
SCALE: 1/4" = 1'-0"
2010/JESSICA'S RESTAURANT/JR-DRAWINGS.DWG
DATE: JULY 13, 2010

RAISE HEIGHT/ADJUST DIMENSIONS OF NEW AWNING
TO BETTER REFLECT AWNING PLACEMENT ON
EXISTING JESSICA'S BUILDING

JESSICA'S FAMILY
140 West Main Street
Whitewater, WI

#5

DRAWING NAMES

SOUTH ELEVATION

NORTH ELEVATION

REVISIONS

PROJECT DATA

DATE: 8/12/2010

DRAWN BY: CL

CHECKED BY: P.W.

SHEET NO.

A-3

REPLACE WITH STAINLESS
EXISTING APARTMENT
WINDOWN

IS THERE THE ABILITY TO PENETRATE
THIS WALL WITH OUTSIDE WINDOWS
FACING SOUTH? SOUTH FACADE
ELEVATION SHEET SUGGESTS
THAT THERE ARE WINDOWS
ON THIS WALL CURRENTLY.

(ACTUALLY, ELEVATIONS SAY
THEY WILL REMAIN
BUT NOT SHOWN ON
FLOOR

954 S.E.
THIS COMMON AREA
HAS NO NATURAL
ISLAND
DURING LIGHT - PLEASE
KITCHEN
INTRODUCE WINDOWS
AND/OR SKYLIGHT.

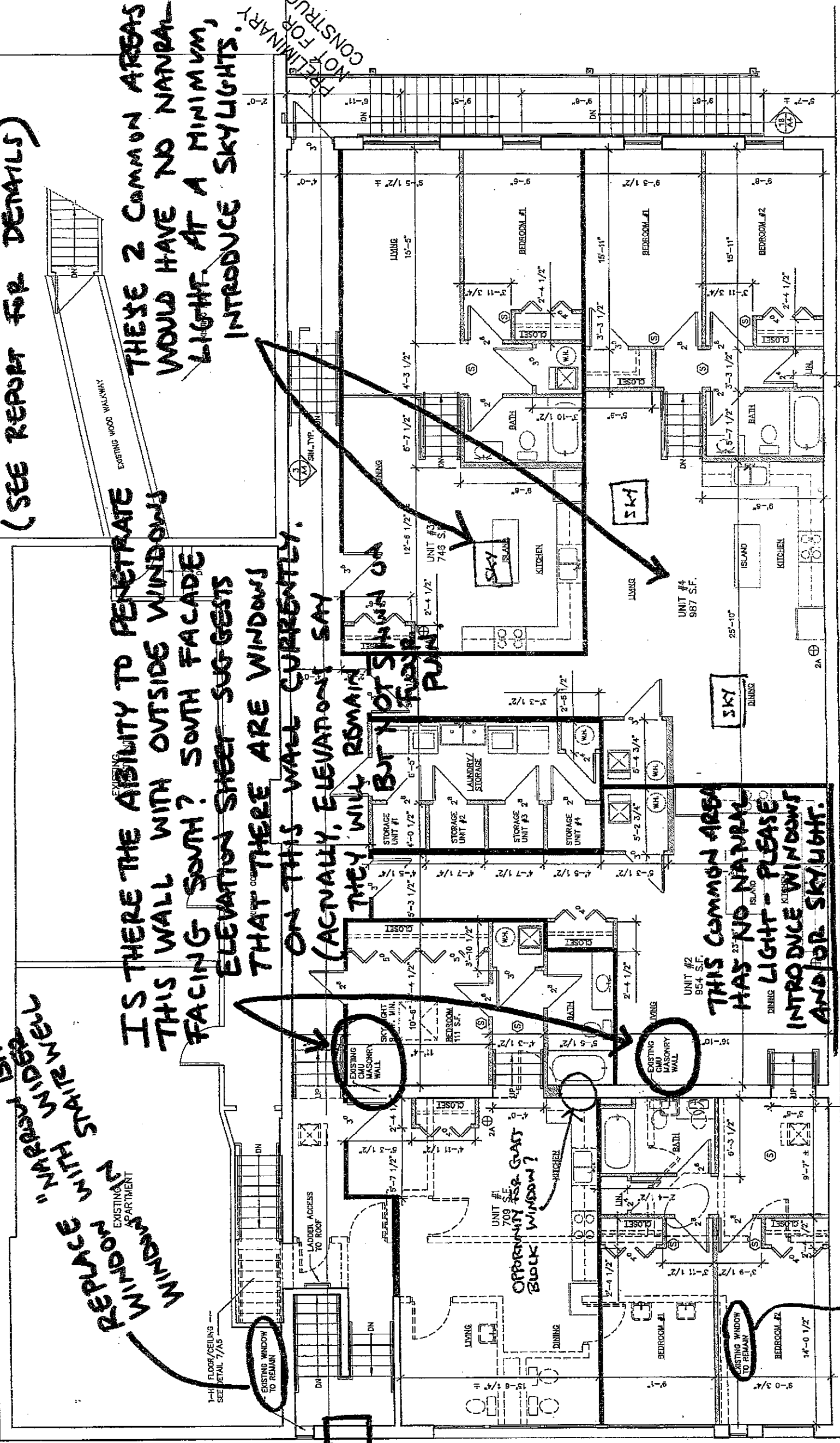
**GIVEN WIDER WINDOW THAT WILL BE
ESSENTIAL AND NEED TO LOCATE SOME**

SPOT FIRE A BED,
REMOVE / FILL IN
NARROW BAND
WINDOW.

THESE 2 COMMON AREAS
WOULD HAVE NO NATURAL
LIGHT AT A MINIMUM,
INTRODUCE SKYLIGHTS.

PRELIMINARY
NOT FOR CONSTRUCTION

SUMMARY OF OFFERS COMMENTS 9/8/11
(SEE REPORT FOR DETAILS)



EXTERIOR STAIR NOTES:
ALL FASTENERS/JOIST
HANGERS TO BE STAINLESS
STEEL OR COATED FOR USE
WITH PRESSURE-TREATED
LUMBER.

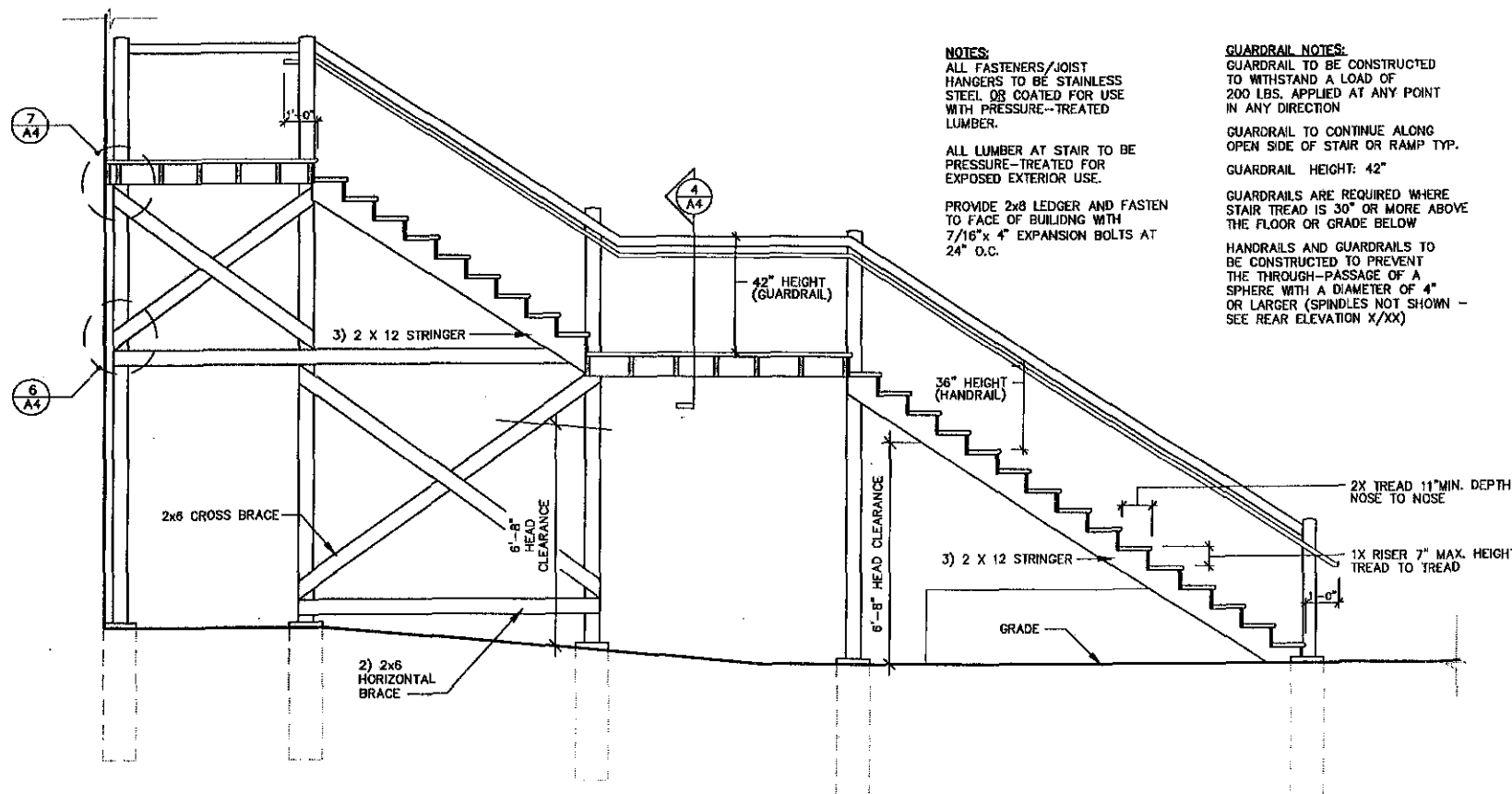
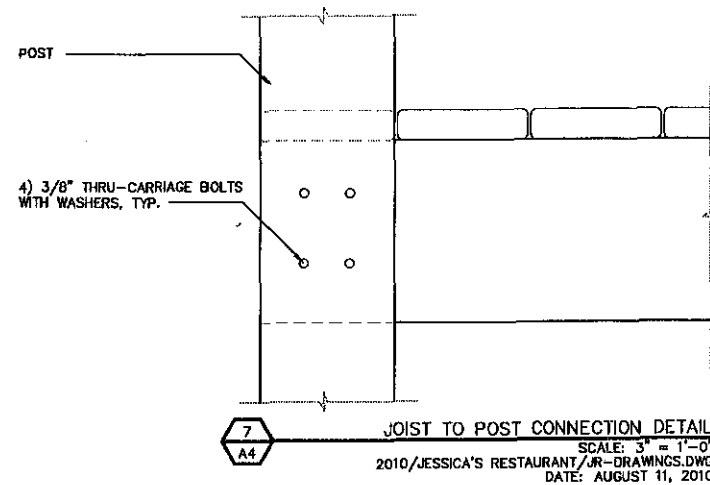
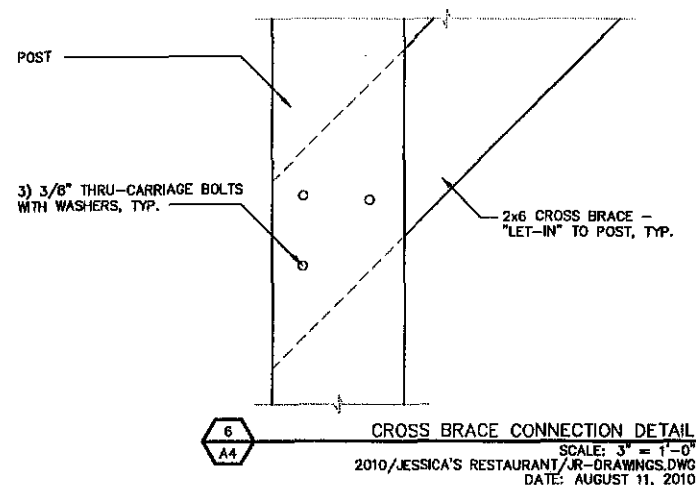
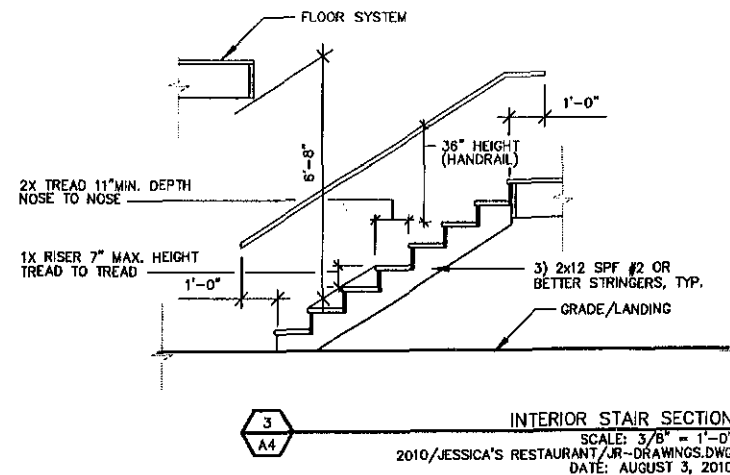
VERIFY ALL CONDITIONS AND DIMENSIONS ON THE JOB AND NOTIFY THE DESIGN ALLIANCE ARCHITECTS, INC. OF ANY DISCREPANCIES PRIOR TO START.

PROVIDE FIRE EXTINGUISHERS CONFIRM
REQUIREMENTS WITH LOCAL FIRE INSPECTOR

DRAWING NAMES UPPER FLOOR PLAN	REVISIONS		PROJECT DATA
			DATE: 8/12/2010
			DRAWN BY: CL
			CHECKED BY: P.W.
			SHEET NO.

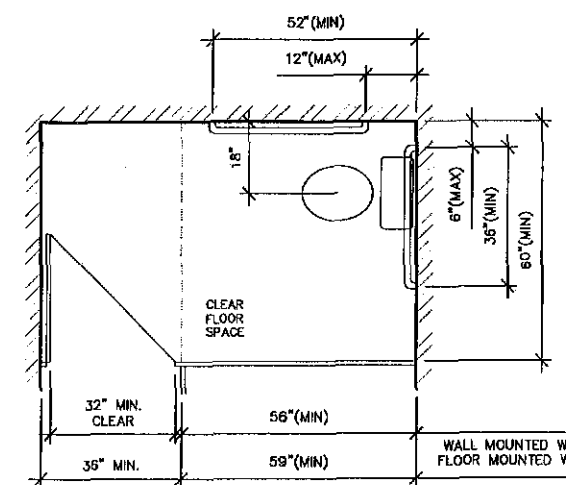
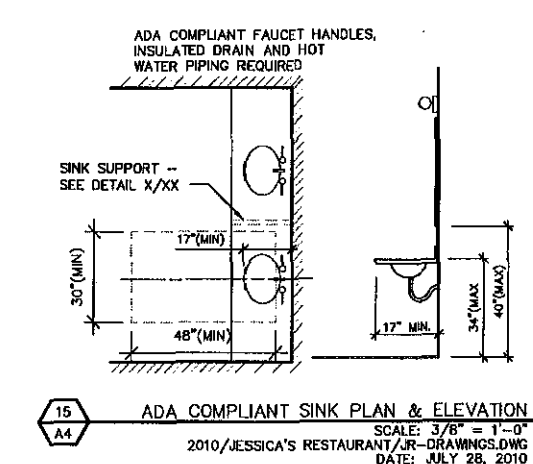
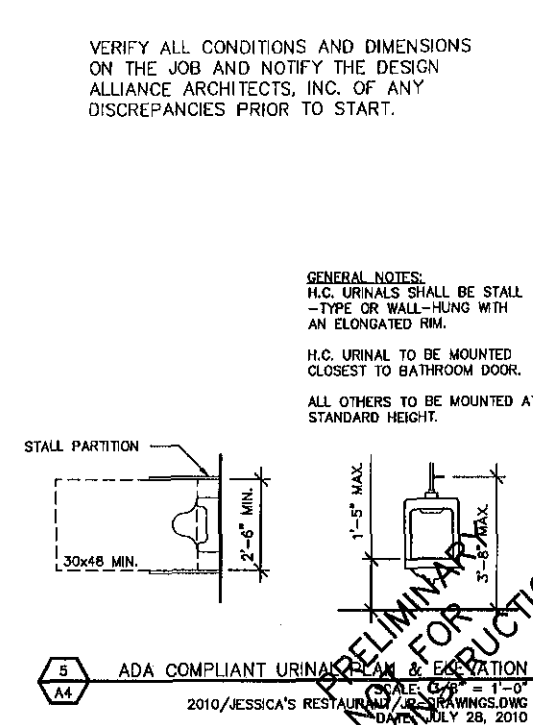
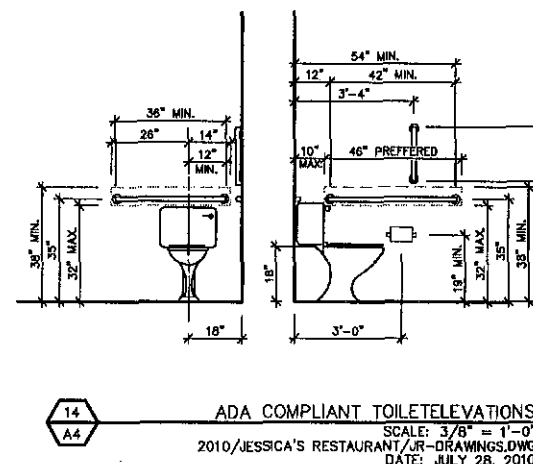
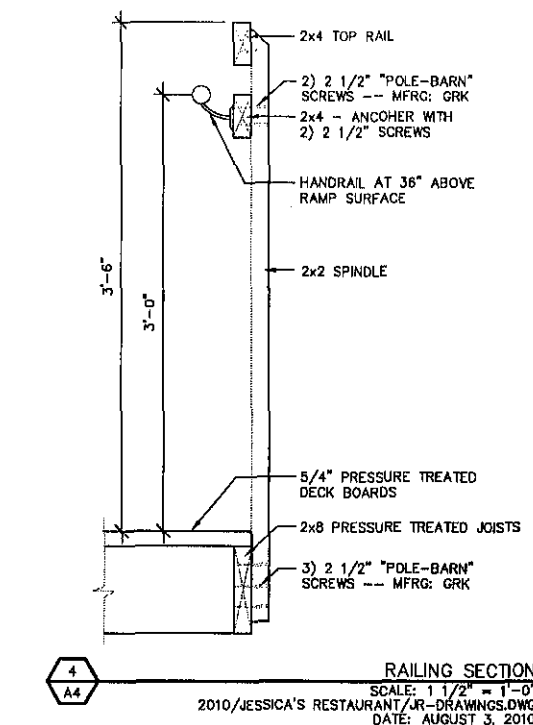
UPPER FLOOR PLAN

InterDesign
Alliance
Architects, Inc.



NOTES:
ALL FASTENERS/JOIST HANGERS TO BE STAINLESS STEEL OR COATED FOR USE WITH PRESSURE-TREATED LUMBER.
ALL LUMBER AT STAIR TO BE PRESSURE-TREATED FOR EXPOSED EXTERIOR USE.
PROVIDE 2x8 LEDGER AND FASTEN TO FACE OF BUILDING WITH 7/16"x 4" EXPANSION BOLTS AT 24" O.C.

GUARDRAIL NOTES:
GUARDRAIL TO BE CONSTRUCTED TO WITHSTAND A LOAD OF 200 LBS. APPLIED AT ANY POINT IN ANY DIRECTION.
GUARDRAIL TO CONTINUE ALONG OPEN SIDE OF STAIR OR RAMP TYP.
GUARDRAIL HEIGHT: 42"
GUARDRAILS ARE REQUIRED WHERE STAIR TREAD IS 30" OR MORE ABOVE THE FLOOR OR GRADE BELOW.
HANDRAILS AND GUARDRAILS TO BE CONSTRUCTED TO PREVENT THE THROUGH-PASSAGE OF A SPHERE WITH A DIAMETER OF 4" OR LARGER (SPINDLES NOT SHOWN - SEE REAR ELEVATION X/XX)



BATHROOM FINISH NOTES:
FLOOR AND WALLS TO A HEIGHT OF 6" ABOVE FLOOR TO BE FINISHED WITH A MATERIAL IMPERVIOUS TO WATER.
WALLS AND CEILINGS TO BE COMPLETELY COVERED WITH A SMOOTH, NONABSORBENT MATERIAL AND BE OF A LIGHT COLOR TO IMPROVE ILLUMINATION AND FACILITATE CLEANING.

Design Alliance Architects, Inc.
1001 Madison Avenue
Fort Atkinson, WI
(920) 563-3404
FAX (920) 566-7058

JESSICA'S FAMILY RESTAURANT
140 West Main Street
Whitewater, WI

DRAWING NAMES

ADA COMPLIANT DTL'S
INTERIOR STAIR SCT
EXTERIOR STAIR SCT
STAIR DETAILS

REVISIONS

PROJECT DATA

DATE: 8/12/2010
DRAWN BY: CL
CHECKED BY: P.W.

SHEET NO.

A-4

JESSICA'S FAMILY RESTAURANT

140 West Main Street
Whitewater, WI

VERIFY ALL CONDITIONS AND DIMENSIONS
ON THE JOB AND NOTIFY THE DESIGN
ALLIANCE ARCHITECTS, INC. OF ANY
DISCREPANCIES PRIOR TO START.

DRAWING INDEX:

- SP-1 SITE PLAN, DRAWING INDEX
- A-1 MAIN FLOOR PLAN
A-2 UPPER FLOOR PLAN
A-3 NORTH & SOUTH ELEVATIONS
A-4 ADA RESTROOM DETAILS
A-5 BUILDING SECTION, FIRE RATED
DETAILS

PROJECT DESCRIPTION:

PROPOSED REMODEL OF THE EXISTING "WALL
CRAWLERS" INTO ADDITIONAL DINING FOR
JESSICA'S FAMILY RESTAURANT. REMODEL WILL
INCLUDE NEW ADA COMPLIANT TOILET ROOMS
FOR THE RESTAURANT, AN ADA COMPLIANT
APARTMENT ON THE MAIN FLOOR AT REAR
OF BUILDING AND (4) APARTMENTS ON THE
EXISTING/EXPANDED UPPER FLOOR

EXISTING BUILDING:

JESSICA'S FAMILY RESTAURANT

GENERAL INFORMATION:

CONSTRUCTION TYPE:	IIIB
No. OF STORIES:	2 + BASEMENT
OCCUPANCY GROUP:	A2
SPRINKLERED:	NO

AREAS:

BASEMENT:	± 2,500 S.F.
1st. FLOOR	2,580 S.F.
2nd. FLOOR	1,675 S.F.

PROPOSED ADDITION:

FORMER WALL CRAWLERS

GENERAL INFORMATION:

CONSTRUCTION TYPE:	IIIB
No. OF STORIES:	2 + BASEMENT
OCCUPANCY GROUP:	A2
SPRINKLERED:	NO

AREAS:

BASEMENT:	± 1,100 S.F.
1st. FLOOR	4,260 S.F.
2nd. FLOOR	4,260 S.F.

COMPLETE PROJECT:

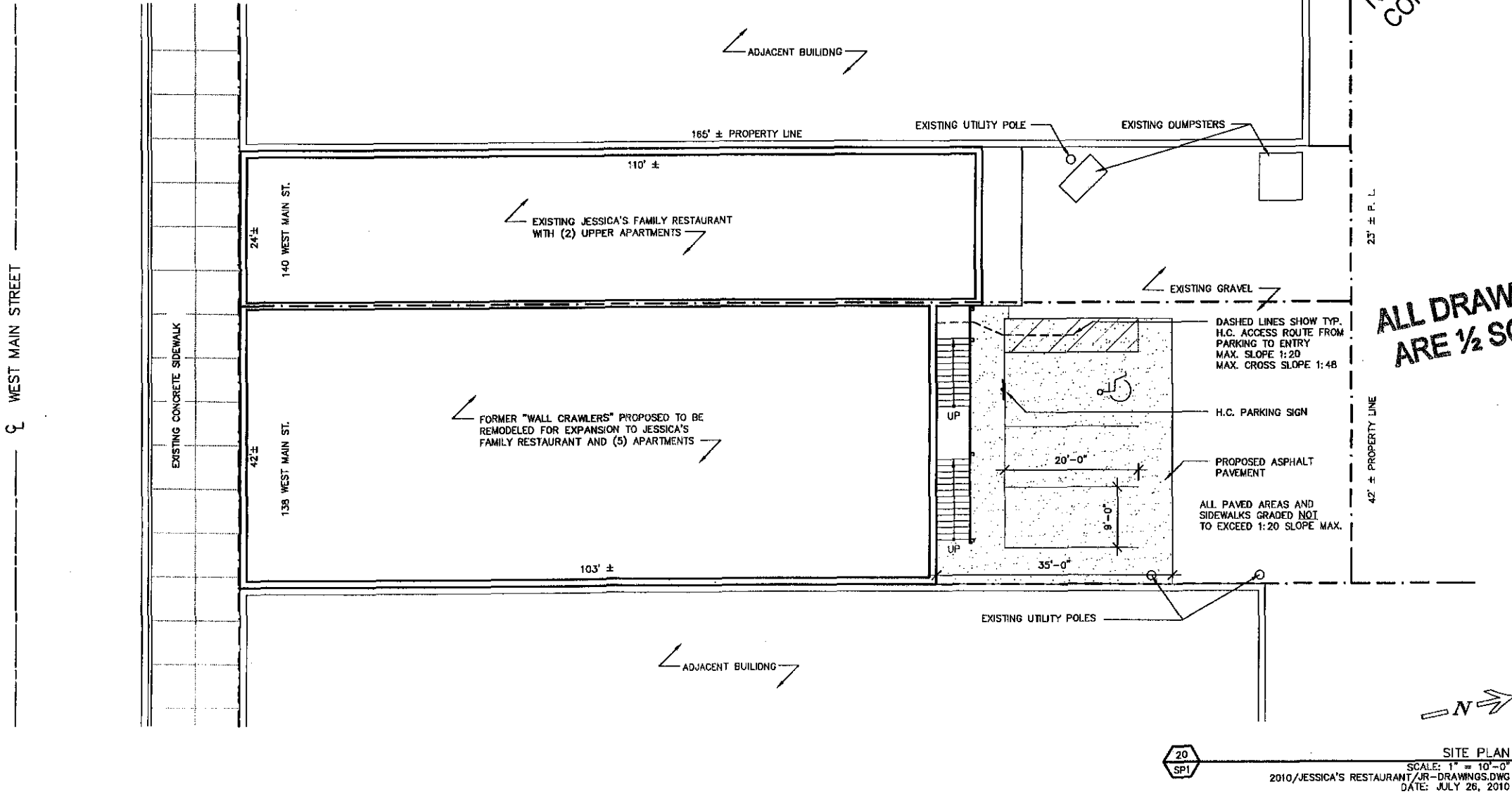
GENERAL INFORMATION:

CONSTRUCTION TYPE:	IIIB
No. OF STORIES:	2 + BASEMENT
OCCUPANCY GROUP:	A2
SPRINKLERED:	NO

AREAS:

BASEMENT:	± 3,600 S.F.
1st. FLOOR	6,840 S.F.
2nd. FLOOR	5,935 S.F.

IEBC LEVEL III ALTERATION



PRELIMINARY
NOT FOR
CONSTRUCTION

ALL DRAWINGS
ARE 1/2 SCALE

JESSICA'S FAMILY RESTAURANT
140 West Main Street
Whitewater, WI

DRAWING NAMES

SITE PLAN
DRAWING INDEX

REVISIONS

PROJECT DATA

DATE: 8/12/2010
DRAWN BY: CL
CHECKED BY: P.W.

SHEET NO.

SP-1

Design Alliance Architects, Inc.
1001 Madison Avenue
Fort Allen, WI
(920) 563-1404
FAX (920) 563-7058

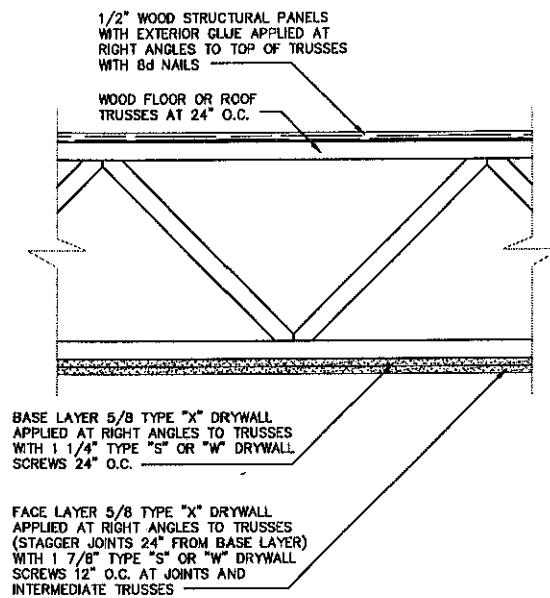
TABLE 719.1(3)-CONTINUED
MINIMUM PROTECTION FOR
FLOOR AND ROOF SYSTEMS ^{a,q}

FLOOR OR ROOF CONSTRUCTION	ITEM NUMBER	CEILING CONSTRUCTION	THICKNESS OF FLOOR OR ROOF SLAB (INCHES)				MINIMUM THICKNESS OF CEILING (INCHES)			
			4 HR	3 HR	2 HR	1 HR	4 HR	3 HR	2 HR	1 HR
21. WOOD JOISTS, FLOOR TRUSSES AND FLAT OR PITCHED ROOF TRUSSES SPACED A MAXIMUM 24" O.C. WITH 1/2" WOOD STRUCTURAL PANELS WITH EXTERIOR GLUE APPLIED AT RIGHT ANGLES TO TOP CORD OF TRUSSES WITH 6d NAILS.	21-1.1	BASE LAYER: 5/8" TYPE "X" DRYWALL APPLIED AT RIGHT ANGLES TO JOIST OR TRUSS 24" O.C. WITH 1 1/4" TYPE "S" OR "W" DRYWALL SCREWS 24" O.C. FACE LAYER: 5/8" TYPE "X" DRYWALL APPLIED AT RIGHT ANGLES TO JOIST OR TRUSS 24" O.C. WITH 1 7/8" TYPE "S" OR "W" DRYWALL SCREWS 12" O.C. AT JOINTS AND INTERMEDIATE JOIST OR TRUSS. FACE LAYER: TYPE "G" DRYWALL SCREWS PLACED 2" BACK ON EITHER SIDE OF FACE LAYER END JOINTS, 12" O.C.	-	-	-	VARIES	-	-	-	1 1/4

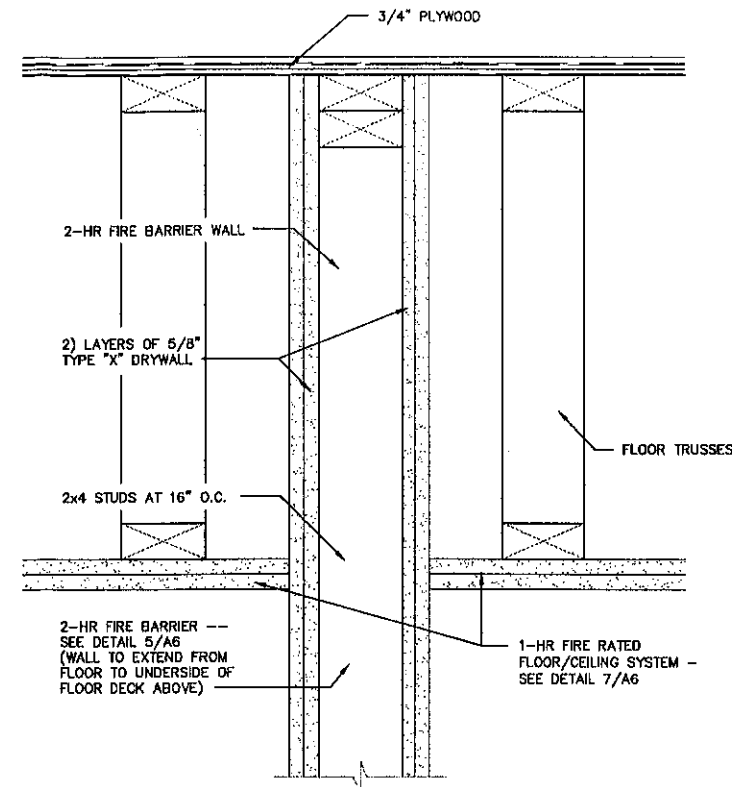
FOR Sl: 1 inch = 25.4 mm, 1 pound = 0.454 kg, 1 cubic foot = 0.0283 m³,
1 pound per square inch = 6.895 kPa, 1 pound linear foot = 1.4882 kg/m.

a. Staples with equivalent holding power and penetration shall be permitted to be used as alternate fasteners to
nails for attachment to wood framing.

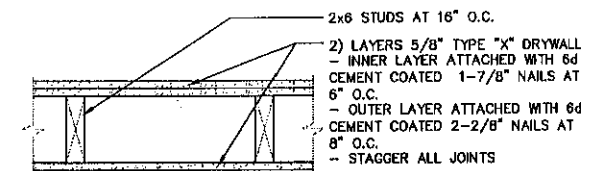
q. Generic fire-resistance ratings (those not designated as PROPRIETARY* in listing) in the GA 600 shall be accepted
as if herein listed.



7 1-HR FIRE FLOOR/CEILING SYSTEM
SCALE: N/7/5/
2010/JESSICA'S RESTAURANT/JR-DRAWINGS.DWG
DATE: AUGUST 9, 2010

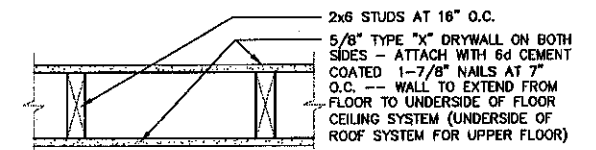


9 2-HR FIRE BARRIER DETAIL AT CEILING
SCALE: 3\"/>



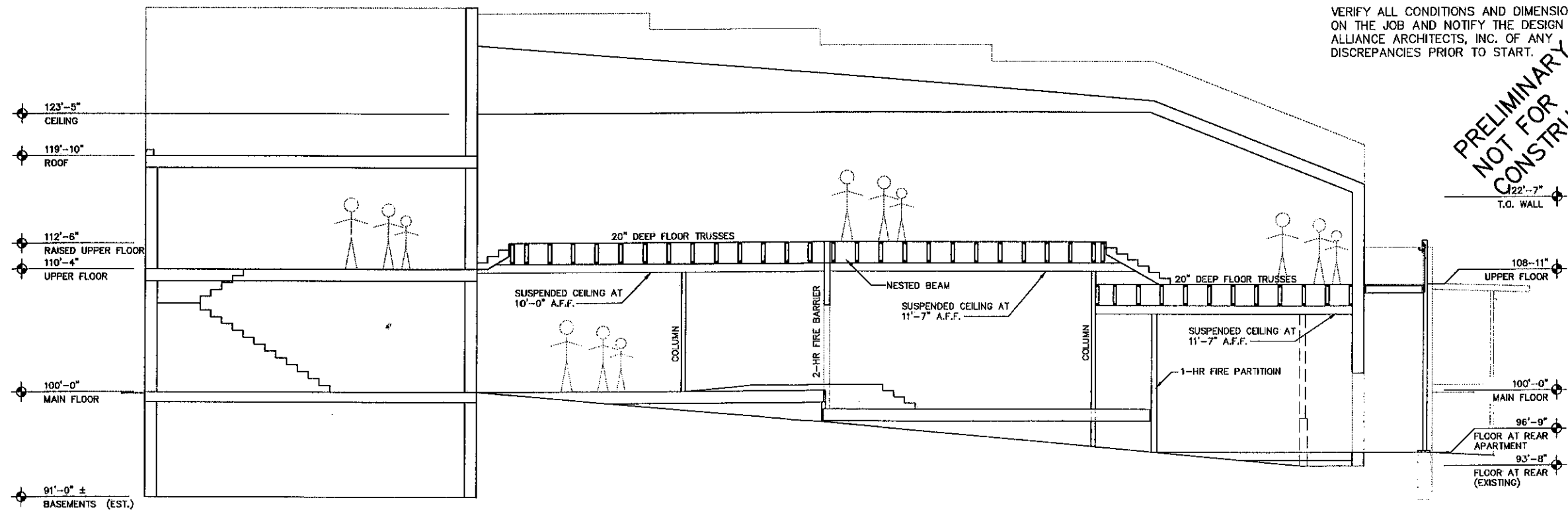
CONSTRUCT WALL PER
U.L. # U301 REQUIREMENTS

5 2-HR FIRE BARRIER
SCALE: 1 1/2\"/>



CONSTRUCT WALL PER
U.L. # U305 REQUIREMENTS

10 1-HR FIRE PARTITION
SCALE: 1 1/2\"/>



VERIFY ALL CONDITIONS AND DIMENSIONS
ON THE JOB AND NOTIFY THE DESIGN
ALLIANCE ARCHITECTS, INC. OF ANY
DISCREPANCIES PRIOR TO START.

PRELIMINARY
NOT FOR
CONSTRUCTION

20 NORTH ELEVATION
SCALE: 3/16\"/>

From: Michele Smith
Sent: Wednesday, August 18, 2010 11:53 AM
To: Kathy Boyd; Chuck Nass; Jane Wegner; 'alcontoy@charter.net'; Alan Lockett; 'watertowerlady@hotmail.com'; 'slunsford@ci.whitewater.wi.us'; Matt Amundson; James Coan
Subject: Council Request for Review of "transparency" ordinance.
Attachments: TRANSPARENCY.doc

Hi Everyone,

Council has asked that all Boards & Commissions review the proposed transparency ordinance attached, and provide feedback to the Council on their opinion(s) on it. As you can see, all meetings will have to be recorded, either audio or video, and complete agenda packets, including non-confidential backup material, will have to be posted on the website.

Please let us know your comments as soon as possible.

Thank you.
Michele Smith, Clerk
City of Whitewater
473 0102

WHITEWATER TRANSPARENCY
ENHANCEMENT ORDINANCE

8-12-10 – 10:00 a.m. Draft

The Common Council of the City of Whitewater, Walworth and Jefferson Counties, Wisconsin, do hereby ordain as follows:

Section 1. Whitewater Municipal Code, Chapter 2.62, Whitewater Transparency Enhancement Ordinance, is hereby created to read as follows:

2.62.010 Purpose.

(a) The purpose of this ordinance is to maximize public awareness and participation in City of Whitewater government.

2.62.020 Posting Requirements.

(a) Agenda notices for all City Council, board and committee meetings, requiring legal notice, shall be posted 72 hours in advance. If an agenda item is added between 24 and 72 hours prior to the meeting, it shall require an affirmative vote of two-thirds of the members voting to take up the matter.

(b) All council, committee and board agendas shall be posted online on the City website 72 hours in advance of the meeting.

(c) All council, committee and board packet materials, that can be reasonably scanned, shall be posted online 24 hours in advance of the meeting. The City shall create an e-mail list of packet mailing alerts and email packets shall be sent to the addresses prior to the meeting.

(d) All requests for proposals and requests for bids shall be posted on-line as soon as is practicable.

2.62.030 Information Technology Requirements.

(a) Beginning October 1, 2010, all meetings shall be recorded by either audio or video means and shall be posted online. City Council, CDA, Plan Commission and Police Commission meetings shall be videotaped.

2.62.040 Meeting Procedures.

(a) All council, committee and board meetings shall have a public input agenda item to allow citizens to make statements on matters that are not on the agenda.

(b) All council, committee and boards shall allow the public an opportunity to comment at a designated time on all items on meeting agendas.

(c) If the agenda for a council, board or committee meeting includes staff reports or other reports, a specific description of the item to be reported on shall be listed on the agenda and said report(s) shall be limited to the specific items listed in the agenda.

2.62.050 Failure to Abide by Chapter Provisions Do Not Cause Actions to be Invalid.

(a) The failure by any council, committee or board to adhere to the provisions of this chapter shall not cause any action by said council, committee or board to be invalid.

Ordinance introduced by Councilmember _____, who moved its adoption. Seconded by Councilmember _____.

AYES:

NOES:

Kevin Brunner, City Manager

ABSENT:

Michele R. Smith, City Clerk

ADOPTED:

#8

Jane Wegner

From: Mark Roffers [MRoffers@vandewalle.com]
Sent: Wednesday, September 08, 2010 10:33 AM
To: Jane Wegner
Cc: Bruce Parker; Kevin Brunner; Wally McDonell; Megan MacGlashan
Subject: Comments on Transparency Enhancement Ordinance (Plan & Architectural Review Commission Agenda Item)

Hi Jane—

I briefly reviewed the 8-12-10 draft of the transparency enhancement ordinance, which is scheduled for discussion at next Monday's Plan and Architectural Review Commission meeting. Overall, I think the requirements of the ordinance are reasonable and ought to meet the stated purpose of maximizing public awareness and participation in City government. As they affect the Plan Commission meetings and requirements of its staff, consultants, and applicants, I offer the following comments:

1. Within the "posting requirements" section, it would be my recommendation that the City begin to require that applicants for development approval submit all application materials (plan sheets included) in digital (PDF) format. Perhaps the City could reduce the number of paper copies that are required if this digital submittal requirement is introduced, both to control applicant costs and to advance the City's sustainability program.
2. Providing our staff reports and other information in digital format would have no impact on us at Vandewalle & Associates because, as you know, this is how we transmit all of our information to you today. Also, the proposed requirement that staff reports be limited to agenda items is of no concern to us.
3. I have worked with plan commissions and elected bodies where their entire agenda packet is delivered digitally to those with the means and ability to access the information digitally at home and at meetings (e.g., via a laptop). In fact, one Village Board I work with just accesses the full agenda via a Web connection at the meeting. This is the same Web connection that the public has access to. Of course, closed session items are handled differently. The Commission may want to weigh in on this option.
4. The "meeting procedures" section includes a provision that "all council, committee and boards shall allow the public an opportunity to comment at a designated time on all items on meeting agendas." I have a few questions on this proposed requirement:
 - a. What if the same agenda item was on 3 consecutive Plan Commission meeting agendas, and the first time it was on was the actual public hearing? Does this mean that the Commission would be obliged to accept public comment at each of the other two meetings?
 - b. If so, might the ordinance be tweaked to provide the respective council, board, or commission the ability to limit the amount of time that each speaker would have to speak? While I don't in any way want to suggest that public comment should be discouraged, there is a time when commissions need some "quiet time" to deliberate among themselves and reach decisions (all in a public meeting setting of course).
 - c. If public comment is allowed on every agenda item, what is the significance of public hearings and the difference between public hearing items and every other agenda item?
 - d. While this may seem silly, the proposed provision requiring public comments on "all items" may get absurd. Does it mean there needs to be public comment on an "adjourn" agenda item?
 - e. More significantly, there are items where, by ordinance or statute, and for better or worse, public opinion by has little to no impact on how decisions get made. Reviews of certified survey maps or final plats are a couple of examples in the world of the Plan Commission. If such items meet City ordinances/statutes, these types of items are more or less entitled to obtain approval regardless of any public comment. Is it better to have a public comment period on such items, only to later have to tell people that provided their comments that their suggestions cannot legally be considered?
5. If this ordinance is adopted, I suggest that the Commission have a discussion of how to approach its requirements in a meaningful way while at the same time controlling the organization and length of meetings.

Please forward these comments on to the Plan and Architectural Review Commission.

Thanks,
Mark

Mark Roffers, AICP
Principal
Growth Management Team

Vandewalle & Associates Inc.
Shaping Places, Shaping Change
120 East Lakeside Street
PO Box 259036
Madison, WI 53725-9036

608.255.3988
www.vandewalle.com